

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

Crl. Misc. No. M- 2078 of 2017(O&M)

Date of Decision: March 2 , 2017.

Rakesh Kumar and others PETITIONER(s)

Versus

State of Haryana and another RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Raman Chawla, Advocate
for the petitioners.

Mr. Sanjay K.Saini, AAG, Haryana.

Mr. Davinder Bir Singh, Advocate
for respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.153 dated 29.02.2016 under Sections 323/498A IPC registered at Police Station Thanesar, District Kurukshetra and all other consequential proceedings arising therefrom on the basis of compromise dated 24.12.2016 (Annexure P2) arrived at between the parties.

The abovesaid FIR arises out of the matrimonial discord between petitioner No.1 and respondent No.2. The matter has since been amicably resolved between the parties vide the abovementioned settlement.

With the intervention of respectables and relatives, a compromise

has been arrived at between the parties, the terms of which were reduced in writing on 24.12.2016. The parties wish to live in peace and harmony and put an end to the acrimony between them. Petitioner No.1 and respondent No.2 have decided to live together. It is informed that they are residing together since the settlement between them in December, 2016. The present petition has been filed on the basis of this compromise.

This Court on 23.01.2017 directed the parties to appear before the learned trial court on 30.01.2017 for getting their statements recorded in respect to the above-mentioned compromise. Learned trial court was directed to submit a report regarding the veracity and genuineness of the compromise, if any, alongwith the statements of the parties.

Pursuant to order dated 23.01.2017, the parties appeared before the learned Judicial Magistrate First Class, Kurukshetra and their statements were recorded on 30.01.2017. Respondent No.2 – Smt. Rekha Rani made a statement to the effect that she has arrived at a settlement with all the accused persons. The settlement has been arrived at out of her own free will and volition without any pressure or coercion. It is stated that in view of the settlement arrived at between them, she has withdrawn her petition under Section 125 Cr.P.C. as well as the petition under the Protection of Women from Domestic Violence Act, 2005. Respondent No.2 has stated that she has no objection in case the abovesaid FIR is quashed qua all the petitioners. A joint statement of all the petitioners in respect to the settlement was recorded.

As per report dated 31.01.2017 received from the learned Judicial Magistrate First Class, Kurukshetra it is noted that the compromise arrived at

between the parties is genuine and arrived at out of the free will of the parties without any fear or duress. None of the petitioners are proclaimed offenders. There is no other accused except the three petitioners in this case. The statements of the parties have been appended alongwith the said report.

Learned counsel for respondent No.2 reaffirms and verifies the factum of settlement between the parties. It is reiterated that respondent No.2 is residing alongwith her husband i.e., petitioner No.1 in her matrimonial home and respondent No.2 has no objection to the quashing of the abovementioned FIR against all the petitioners.

Learned counsel for the State, on instructions from ASI Anil Kumar, affirms the position as above and submits that as the abovesaid FIR stems from matrimonial discord, the State has no objection to the quashing of this FIR on the basis of the compromise arrived at between the parties.

In **Kulwinder Singh and others versus State of Punjab and another** 2007 (3) R.C.R. (Criminal) 1052, a five member Bench of this Court has observed as under:-

“The compromise, in a modern society, is the sine qua non of harmony and orderly behaviour. It is the soul of justice and if the power under Section 482 of the Criminal Procedure Code is used to enhance such a compromise which, in turn, enhances the social amity and reduces friction, then it truly is “finest hour of justice”.

The Hon'ble Supreme Court in **B.S.Joshi and others v. State of Haryana, 2003(4) SCC 675** has observed that it becomes the duty of the Court to encourage genuine settlements of matrimonial disputes.

Keeping in view the facts and circumstances of this case, it would

be in the interest of justice to quash the abovesaid FIR as no useful purpose would be served by continuing the present proceedings. It will only lead to wastage of precious time of the court and would be an exercise in the futility.

This petition is, thus, allowed and FIR No.153 dated 29.02.2016 under Sections 323/498A IPC registered at Police Station Thanesar, District Kurukshetra alongwith all consequential proceedings are, hereby, quashed qua the petitioners.

March 2 , 2017.
'om'

(LISA GILL)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No