

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

CRM-M-21203 of 2017 (O&M)

Date of Decision:06.12.2017

Jatinder Kumar @ Jitender Kumar

..... Petitioner

Versus

State of Haryana and another

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr.Vikas Gupta, Advocate
for the petitioner.

Mr.Siddharth Sanwana, DAG, Haryana.

Mr. Rajesh Sethi, Advocate
for Mr. Arun Biriwal, Advocate
for respondent no.2.

LISA GILL, J(Oral).

Prayer in this petition is for quashing of FIR No. 720 dated 10.12.2016, under Sections 323, 406, 498-A, 34 IPC, registered at Police Station Palam Vihar, Gurugram, along with all other consequential proceedings arising therefrom on the basis of compromise/ settlement dated 07.04.2017 (Annexure P-2) arrived at between the parties.

It is submitted that the above-said FIR was registered at the instance of respondent No.2 due to matrimonial discord with her husband-petitioner. It is submitted that out of three persons named in the FIR, it is only the present petitioner, who was proceeded against. Others were found innocent. Learned counsel for the petitioner as well as respondent no.2 inform that petition under Section 13-B of

the Hindu Marriage Act, filed by the parties has since been allowed on 30.11.2017. Respondent no.2 has received the entire settled amount in respect to all her claims-past, present and future, *qua* the petitioner. Therefore, it is prayed that this petition be allowed.

This Court on 24.08.2017 directed the parties to appear before the learned trial court for recording of their statements in respect to the above-mentioned compromise. Learned trial court was directed to submit a report regarding the genuineness of the compromise, as to whether it has been arrived at out of the free will and volition of the parties without any coercion, fear or undue influence. Learned trial court was also directed to intimate whether the petitioner is absconding/proclaimed offender and whether any other case is pending against him. Information was sought as to whether all affected persons are a party to the settlement.

Pursuant to order dated 24.08.2017, the parties appeared before the learned Civil Judge (Jr. Division), Gurugram, and their statements were recorded on 01.09.2017. Respondent No.2 stated that she has amicably resolved the matter with the accused-petitioner. Copy of the settlement was tendered as Ex.PX. She stated that the matter has been settled out of her own free will, without any kind of pressure or undue influence. Respondent no.2 stated that she has no objection whatsoever to the quashing of the aforementioned FIR against the accused-petitioner. Statement of the petitioner in respect to the settlement was recorded as well.

As per report dated 01.09.2017, received from the learned Civil Judge (Jr. Division), Gurugram, satisfaction is

expressed that the compromise between the parties is genuine, arrived at out of the free will of the parties, without any pressure or undue influence. Petitioner is not reported to be a proclaimed offender.

Learned counsel for respondent No.2 affirms and verifies the factum of settlement between the parties. It is reiterated that respondent No.2 has no objection to the quashing of the above-mentioned FIR against the petitioner in view of the settlement between the parties.

Learned counsel for the State has not raised any serious objection to the quashing of this FIR on the basis of a settlement 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 above-said FIR as no useful purpose would be served by continuance of the present

proceedings. It will merely lead to wastage of precious time of the court and would be an exercise in futility.

This petition is, thus, allowed and FIR No. 720 dated 10.12.2016, under Sections 323, 406, 498-A, 34 IPC, registered at Police Station Palam Vihar, Gurugram, along with all consequential proceedings are, hereby, quashed.

06.12.2017
s.khan

[LISA GILL]
Judge

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.