

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

CRM No. M-24403 of 2016

Date of decision: 15.05.2017

Amit Kumar

..... Petitioner.

Versus

State of Haryana and another

..... Respondents.

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Ashwani Gaur, Advocate, for the petitioner.

Mr. Ramesh Kumar, AAG, Haryana.

Mr. Robin Singh Hooda, Advocate, for respondent No.2.

LISA GILL, J.

This petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of FIR No. 49 dated 13.02.2013 registered under Sections 498-A, 494, 406, 385, 324, 506 and 120-B of the Indian Penal Code (for short 'IPC') at Police Station Civil Line, Sonapat and all other consequential proceedings arising therefrom on the basis of an amicable settlement arrived at between the parties.

The above said FIR was registered at the behest of respondent No. 2-Smt. Anita Gulia due to matrimonial discord with her husband i.e. petitioner.

With the intervention of respectables, elders and relatives, the matter has been amicably resolved between the parties. The petitioner and respondent No.2 have decided to part ways. It is informed that petition under Section 13-B of the Hindu Marriage Act, 1955 preferred by the parties has since been allowed on 28.03.2017. The entire amount due towards respondent No. 2 has been received by her. Certified copy of the

order dated 28.03.2017, passed by the learned District Judge, Family Court, Sonipat as well the joint statement of the petitioner and respondent No.2 recorded in the said petition, filed in Court today, is taken on record subject to just exceptions.

This Court on 17.11.2016 directed the parties to appear before the learned Illaqa Magistrate/trial Court on 19.12.2016 for recording their statements in respect to the above-mentioned compromise. Learned trial court/Illaqa Magistrate 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 of the parties. Learned Illaqa Magistrate/trial court was directed to intimate whether the petitioner is a proclaimed offender. Information was sought as to whether all affected persons are party to the settlement.

Pursuant to order dated 17.11.2016, the parties appeared before the learned Additional Chief Judicial Magistrate, Sonipat and their statements were recorded on 23.12.2016. Respondent No.2-Smt. Anita has stated that she has amicably resolved the entire dispute with her husband. The settlement has been arrived at out of her own free will. At that time it was recorded that she has received ₹ 20 lakhs out of the total amount of ₹ 40 lakhs due towards her. The rest of ₹ 20 lakhs has admittedly been received by respondent No. 2 at the time of recording of statements at second motion in the petition under Section 13-B of the Hindu Marriage Act. Statement of the petitioner in respect to the settlement was recorded.

As per report dated 06.01.2017, submitted by the learned Additional Chief Judicial Magistrate, Sonipat it is opined that the compromise between the parties is genuine, voluntary, arrived at out of their own free will.

The petitioner, it is stated is not a proclaimed offender and neither are any such proceedings pending against him

Learned counsel for the complainant/respondent No.2 affirms and verifies the factum of settlement between the parties. It is affirmed that the entire amount due towards respondent No. 2 has been received by her.

Learned counsel for the State on instructions from ASI Kuldeep Singh, Police Station Civil Lines, Sonapat submits that the present being a matrimonial dispute, the State has no objection to the quashing of this FIR on the basis of a settlement 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.

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

This petition is, thus, allowed and 49 dated 13.02.2013 registered under Sections 498-A, 494, 406, 385, 324, 506 and 120-B of the Indian Penal Code (for short 'IPC') at Police Station Civil Line, Sonapat alongwith all

consequential proceedings arising therefrom are hereby quashed qua the petitioner.

15.05.2017

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(LISA GILL)
JUDGE

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