

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

**CRM No. M-2353 of 2017
Date of decision: 30.05.2017**

Satender Kumar and another

..... Petitioners.

Versus

State of Haryana and another

..... Respondents.

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Jagjot Singh, Advocate, for
Mr. Kunal Dawar, Advocate, for the petitioners.

Mr. Sanjay K. Saini, AAG, Haryana.

Mr. Rohit Rana, 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. 19 dated 19.01.2016 (**Annexure P-1**) registered under Sections 323, 377, 498-A, 406, 506, 34 of the Indian Penal Code (for short 'IPC') (Section 377 of the IPC deleted later on) at Police Station Ballabgarh, District Faridabad and all other consequential proceedings arising therefrom on the basis of an amicable settlement (**Annexure P-2**) arrived at between the parties.

The above said FIR was registered at the behest of respondent No. 2. The dispute arose between the parties because of matrimonial discord between petitioner No. 1 and respondent No.2.

With the intervention of respectables, elders and relatives, the matter has been amicably resolved between the parties. It is submitted that petitioner No. 1 and his wife, respondent No. 2 are now living together at their matrimonial home. The terms and conditions of the compromise were

reduced into writing on 05.01.2017. The compromise is on record of this petition as Annexure P-2.

This Court on 16.03.2017 directed the parties to appear before the learned trial Court for recording 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 directed to intimate whether the petitioners are proclaimed offenders and whether any other case is pending against them.

Pursuant to order dated 16.03.2017, the parties appeared before the learned Judicial Magistrate 1st Class, Faridabad and their statements were recorded on 12.05.2017. Respondent No.2-Smt. Babli stated that the matter has been amicably resolved with both the petitioners. It is stated that she is living together with her husband at their matrimonial home. The settlement has been arrived at out of her own free will, without any kind of pressure, coercion or threat. It is stated by her that she does not wish to proceed any further with this matter. Respondent No. 2 has no objection to the quashing of the above said FIR against both the petitioners. Statements of Hukam Singh and Meena Devi i.e. the father and mother of respondent No. 2 in respect to the settlement were also recorded. Statements of the petitioners in respect to the settlement were recorded as well.

As per report dated 16.05.2017, submitted by the learned Judicial Magistrate 1st Class, Faridabad, it is opined that the settlement between the parties is genuine, voluntary, arrived at without any threat, coercion or undue pressure.

Learned counsel for the complainant/respondent No.2 reaffirms and verifies the factum of settlement between the parties. It is stated that respondent No. 2 has no objection, whatsoever, to the quashing of the above mentioned FIR.

Learned counsel for the State on instructions from ASI Uday Pal, Police Station Sadar, Ballabgarh 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 FIR No. 19 dated 19.01.2016 registered under 323,377,498-A,406,506,34 of the Indian Penal Code (for short 'IPC') (Section 377 of the IPC deleted later on) at Police Station Ballabgarh, District Faridabad alongwith all consequential proceedings arising therefrom

are hereby quashed. However, liberty is afforded to respondent No. 2 to file necessary application for revival of the proceedings in the above said FIR, in case the terms and conditions of settlement between the parties are not adhered to by the petitioners or it is found that the settlement was a mere ruse to have the aforesaid FIR quashed.

(LISA GILL)
JUDGE

30.05.2017

PA

Whether speaking/reasoned : *Yes/No.*

Whether reportable : *Yes/No.*