

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

Criminal Misc. M- No. 24956 of 2016 (O&M)

Date of decision : August 21, 2017

Jatinder Pal Singh and others

.....Petitioners

Versus

State of Haryana and another

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Pratham Sethi, Advocate and
Mr. Khushdeep Mann, Advocate
for the petitioners.

Mr. Sandeep Vashisht, DAG, Haryana.

Mr. A.S. Yadav, Advocate
for respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.127 dated 24.05.2014 under Sections 498A, 307, 328, 323, 313, 120B and 34 IPC (offences punishable under Sections 307, 313, 328 IPC were later deleted) registered at Police Station Kalanwali, District Sirsa and all other consequential proceedings arising therefrom on the basis of a compromise arrived at between the parties.

It is informed by learned counsel for the State that petitioners No. 4 and 5 were declared innocent and were not proceeded against. Accordingly, this petition is dismissed as having been rendered infructuous qua petitioners No. 4 and 5 and survives only qua petitioners No. 1 to 3.

The abovesaid FIR was registered at the behest of respondent No.2 due to matrimonial discord with her husband i.e., petitioner No.1. With the intervention of respectables and relatives, a compromise has been arrived at between the parties, the terms of which were reduced into writing on 08.10.2015 (Annexure P-2). The present petition has been filed on the basis of this compromise.

This Court on 19.04.2017 directed the parties to appear before 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 also directed to intimate whether any of the petitioners are absconding/proclaimed offenders and whether any other case is pending against them. Information was sought as to whether all affected persons are a party to the settlement.

Pursuant to order dated 19.04.2017, the parties appeared before the learned Additional Sessions Judge, Sirsa and their statements were recorded on 29.04.2017. A joint statement of the complainant – respondent No. 2 and her father – Bijender Singh and the accused petitioners No. 1 to 3 was recorded. It is stated by the parties that a compromise has been arrived at between them on 08.10.2015 (Ex. C1). Settlement has been arrived at out of their own free will, without any kind of pressure from any quarter. It is reiterated that a sum of Rs. 40 lakhs already stood received by respondent No. 2 in terms of agreement between the parties. Rest of the amount i.e. Rs. 15 lakhs has admittedly been handed over by way of demand draft dated 28.04.2017 to respondent No. 2 on 29.04.2017. Respondent No.2 stated that

she has no objection to the quashing of the abovesaid FIR qua the petitioners.

As per report dated 02.05.2017 received from the learned Additional Sessions Judge, Sirsa it is opined that compromise between the parties is genuine, arrived at out of their free will and without any pressure from any quarter. None of the accused petitioners are reported to be proclaimed offenders. Petitioner No. 1 – Jatinder Pal Singh is, however, involved in FIR No. 194 dated 18.07.2016 under Sections 323, 148, 149, 341, 506 IPC and under Section 30 of the Arms Act but the same cannot be an impediment in the quashing of the present FIR. A joint statement of the complainant – respondent No. 2 and her father – Bijender Singh and the accused petitioners No. 1 to 3 is appended alongwith the said report.

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 abovementioned FIR against all the petitioners.

Learned counsel for the State submits that as the abovesaid FIR arises out of a matrimonial dispute, the State has no 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 abovesaid 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. FIR No.127 dated 24.05.2014 under Sections 498A, 307, 328, 323, 313, 120B and 34 IPC (offences punishable under Sections 307, 313, 328 IPC were later deleted) registered at Police Station Kalanwali, District Sirsa alongwith all consequential proceedings are, hereby, quashed.

August 21, 2017
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No