

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

CRM No. M-25900 of 2016

Date of decision: 07.04.2017

Dr. Himanshu Rathi and others

..... Petitioners.

Versus

State of Haryana and another

..... Respondents.

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Naveen Kumar, Advocate, for the petitioners.

Mr. Sanjay K. Saini, AAG, Haryana.

Mr. Sandeep K. Sharma, 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. 156 dated 25.04.2012 registered under Sections 498-A, 323, 506, 34 of the Indian Penal Code (for short 'IPC') at Police Station Suraj Kund, District Faridabad 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- Dr. Rohita. 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. Petitioner No.1 and respondent No.2 have decided to part ways. The terms and conditions of the compromise were reduced into writing on 08.11.2016. Petition under Section 13- B of the Hindu Marriage Act, filed by petitioner No.1 and respondent No. 2, was allowed on 20.01.2017.

This Court on 02.03.2017 directed the parties to appear before the learned trial Court on 18.03.2017 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. Information was sought as to whether all affected persons are party to the settlement.

Pursuant to order dated 02.03.2017, the parties appeared before the learned Judicial Magistrate 1st Class, Faridabad and their statements were recorded on 18.03.2017. Respondent No.2- Dr. Rohita has stated that she has amicably resolved the dispute with her husband. The compromise has been arrived at out of her own free will, consent, without any pressure and undue influence. Statements of all the three petitioners in respect to the settlement were recorded.

As per report dated 22.03.2017, submitted by the learned Judicial Magistrate 1st Class, Faridabad it is opined that the compromise between the parties is genuine and valid, arrived at out of their own sweet will, without any threat, coercion or undue influence. It is noted that the complainant has no objection in case the above said FIR against all the accused persons is quashed. None of the petitioners are proclaimed offenders and neither are any such proceedings pending against them.

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 qua all the three petitioners.

Learned counsel for the State on instructions from HC Parvesh Kumar, Police Station Suraj Kund, Faridabad 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. 156 dated 25.04.2012 registered under Sections 498-A, 323, 506, 34 of the IPC at Police Station Suraj Kund, District Faridabad alongwith all consequential proceedings arising therefrom are hereby quashed qua the petitioners.

07.04.2017

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(LISA GILL)
JUDGE

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