

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

**Criminal Misc. No.M- 26628 of 2016 (O&M)**

Date of decision : December 04, 2017

Rajesh Chaudhary and others

.....Petitioners

Versus

State of Haryana and another

....Respondents

**CORAM:- HON'BLE MRS. JUSTICE LISA GILL**

Present: Mr. Sudhir Hooda, Advocate  
for the petitioners.

Mr. Anmol Malik, AAG, Haryana.

Mr. Rajesh Dhankhar, Advocate for  
Mr. Sanjeev Kadian, Advocate  
for respondent No.2.

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**LISA GILL, J.**

Prayer in this petition is for quashing of FIR No. 701 dated 23.11.2015 under Sections 498A, 406, 506 IPC registered at Police Station Sadar, District Rohtak and all other consequential proceedings arising therefrom.

It is informed that during the pendency of this petition, the matter has been amicably resolved by the parties on 26.07.2017. Said compromise is attached with this file. It is submitted that petitioner No. 3 and his wife – respondent No. 2 decided to part ways. Petition under Section 13B of Hindu Marriage Act, 1955 has been filed by the parties. It is decided that a sum of ₹20 lakhs shall be handed over to respondent No. 2 as full and final settlement of all her claims – past, present and future qua maintenance,

alimony etc., which she may have against her husband – petitioner No. 3. It is submitted that part of the settled amount i.e. ₹10 lakhs was handed over to respondent No. 2 at the time of recording of statements of the parties at first motion. The petitioner undertakes to pay rest of the balance amount of ₹10 lakhs to respondent No. 2 at the time of recording of statements of the parties at second motion on 15.02.2018.

This Court on 26.07.2017 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 26.07.2017, the parties appeared before the learned Judicial Magistrate First Class, Rohtak and their statements were recorded on 02.08.2017. Respondent No.2 stated that the matter has been amicably resolved by her with all the accused petitioners. It is agreed that she and her husband would part ways and ₹20 lakhs would be handed over to her as permanent alimony. It is stated that she received a sum of ₹ 10 lakhs at the time of recording of statements at first motion in petition under Section 13B of Hindu Marriage Act, 1955. The settlement, it is stated, has been arrived at out of her own free will, without any kind of fear, pressure or undue influence. Respondent No.2 further stated that she has no objection to the quashing of the abovesaid FIR qua the petitioners. A joint

statement of the petitioners in respect to the compromise was also recorded.

As per report dated 05.08.2017 received from the learned Civil Judge (Jr. Division)-cum-Judicial Magistrate First Class, Rohtak, it is opined that that the compromise between the parties is genuine, voluntary, arrived at without any coercion or undue influence. None of the petitioners is reported to be a proclaimed offender. Statements of the parties are appended alongwith the said report.

Learned counsel for respondent No.2 reaffirms and verifies the factum of settlement between the parties as well as receipt of half of the settled amount. It is reiterated that respondent No.2 has no objection to the quashing of the abovementioned FIR subject to strict adherence to the terms and conditions of the settlement by the petitioners.

Learned counsel for the State, on instructions from SI Rajinder Singh, 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 and FIR No. 701 dated 23.11.2015 under Sections 498A, 406, 506 IPC registered at Police Station Sadar, District Rohtak alongwith all consequential proceedings 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 petitioner(s) or it is found that the settlement was a mere ruse to have the aforesaid FIR quashed.

December 04, 2017  
rts

**(Lisa Gill)**  
**Judge**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No