

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

**Crl. Misc. No. M-26400 of 2015
Date of Decision : November 22, 2017**

Sunil and othersPetitioners

Versus

State of Haryana and another Respondents

CORAM : HON'BLE MRS. JUSTICE LISA GILL

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Present: Mr. Chanderhas Yadav, Advocate
for the petitioners.

Mr. Anmol Malik, AAG, Haryana.

None for respondent No.2.

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LISA GILL, J. (Oral)

Prayer in this petition is for quashing of FIR No.377 dated 02.07.2010 under Sections 406, 498-A, 420, 506 IPC registered at Police Station City Hansi, District Hisar along with all other consequential proceedings arising therefrom on the basis of a compromise arrived at between the parties.

The above-said FIR was registered at the instance of respondent No.2 due to matrimonial discord with her husband i.e. petitioner No.1. The matter was amicably resolved with the intervention of respectables.

It is informed that respondent No.2 and her husband i.e..

petitioner No.1 have been granted divorce. They have thereafter re-married.

Pursuant to order dated 23.03.2017, the parties appeared before the learned Sub Divisional Judicial Magistrate, Hansi (Hisar) and their statements were recorded on 01.04.2017. Respondent No.2 stated that she has compromised the matter with the petitioners voluntarily, without any fear or pressure. Joint Statement of the petitioners in respect to the compromise was also recorded.

As per report dated 01.04.2017 received from the learned Addl. Civil Judge (Sr. Divn.)-cum-Sub Divisional Judicial Magistrate, Hansi, it is opined that the settlement between the parties is voluntary and without any fear or pressure. None of the petitioners are reported to be proclaimed offenders. Statements of the parties are appended along with the said report.

Mr. Tribhawan Singla, Advocate, had appeared on behalf of respondent No.2 on 23.03.2017 and verified the factum of settlement between the parties. It was stated that respondent No.2 has no objection to the quashing of the above-mentioned FIR against the petitioners. Affidavit dated 23.03.2017 of respondent No.2 was taken on record. It is specifically mentioned in the said affidavit dated 23.03.2017 that divorce has been granted to the parties and they have since re-married.

Learned counsel for the State, on instructions from ASI Baljit Singh, Police Station City Hansi, verifies the factum of divorce between the parties. It is submitted that as the above-said 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 above-said 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. 377 dated 02.07.2010 under Sections 406, 498-A, 420, 506 IPC registered at Police Station City Hansi, District Hisar along with all consequential proceedings are, hereby, quashed.

22.11.2017
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(LISA GILL)
JUDGE

Note: Whether speaking/reasoned

Yes / No

Whether Reportable:

Yes / No