

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

Criminal Misc. M- No. 28284 of 2016 (O&M)

Date of decision : May 22, 2017

Hariom and another

.....Petitioners

Versus

State of Haryana and another

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Ram Pal Verma, Advocate
for the petitioners.

Mr. Sanjay K. Saini, AAG, Haryana.

LISA GILL, J.

This petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of FIR No. 0006 dated 22.01.2016 (**Annexure P-1**) registered under Sections 498-A, 506, 354D of the Indian Penal Code (for short 'IPC') (Section 354D IPC added later) at Women Police Station Jhajjar 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 – wife of petitioner No. 1. The dispute arose between the parties because of matrimonial discord between petitioner No. 1 and respondent No. 2.

The settlement/compromise has been arrived at between the parties at the Mediation and Conciliation Centre of this Court. Petitioner No.1 and respondent No.2 are now stated to be residing together. The terms and conditions of the compromise were reduced into writing on 11.07.2016. The compromise is on record of this petition as Annexure P-2.

This Court on 24.03.2017 directed the parties to appear before the learned Illaqa Magistrate/trial Court on 25.04.2017 for recording their statements in respect to the above-mentioned compromise. Learned trial court/Illaqa Magistrate 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 Illaqa Magistrate/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 24.03.2017, the parties appeared before the learned Judicial Magistrate 1st Class, Jhajjar and their statements were recorded on 25.04.2017. Respondent No.2-Smt. Nirmala has stated that she has amicably resolved the dispute between the accused persons. The settlement has been arrived at out of her own free will and consent, without any pressure, coercion or undue influence. Respondent No. 2 has stated that she is residing with her husband and does not wish to pursue the above said FIR and has no objection if the above said FIR against both the petitioners is quashed. Statement of petitioner No. 1 in respect to the settlement was recorded. It is submitted that petitioner No. 2 shall also abide by the terms and conditions of the settlement between the parties.

As per report dated 15.05.2017, submitted by the learned Judicial Magistrate 1st Class, Jhajjar, it is opined that the compromise arrived at between the parties is genuine, voluntary and has been arrived at out of the free will of the parties without any coercion or undue influence. It is further mentioned that none of the petitioners are proclaimed offenders and neither any such proceedings are pending against them.

Mr. Gautam Kaile, Advocate for respondent No. 2 had affirmed and verified the factum of settlement between the parties when he appeared on 24.03.2017.

Learned counsel for the State, on instructions from ASI Munesh, Women Police Station Jhajjar, verifies that respondent No. 2 is living together with her husband and petitioner No. 1. He further 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. 0006 dated 22.01.2016(**Annexure P-1**) registered under Sections 498-A, 506, 354D IPC at Women Police Station Jhajjar alongwith all consequential proceedings arising therefrom are hereby quashed. However, liberty is afforded to respondent No. 2 to revive the proceedings, in case, the terms and conditions are not being adhered to by the petitioners or it emerges that the settlement was a mere use for quashing of the abovesaid FIR.

May 22, 2017
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes

Whether reportable : Yes/No