

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

Criminal Misc. No. M- 27571 of 2017(O&M)

Date of Decision: October 10 , 2017.

Avtar Singh and others PETITIONER(s)

Versus

State of Haryana and another RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Sanjay Verma, Advocate
for the petitioners.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

Mr. Rohit Chaudhary, Advocate
for the complainant/respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.46 dated 12.02.2015 under Sections 406/498A IPC registered at Police Station Baldev Nagar, District Ambala and all other consequential proceedings arising therefrom on the basis of a compromise arrived at between the parties.

The abovesaid FIR was registered at the instance 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 was arrived at between the parties. Petitioner No.1 and respondent No.2 decided to part ways.

It is informed that petition under Section 13B of the Hindu Marriage Act, 1955 (for short, the 'HMA') filed by respondent No.2 and petitioner No.1 has since been allowed. The entire settled amount has been handed over to respondent No.2.

This Court on 01.08.2017 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 voluntarily, without any threat or coercion. Learned trial court was also directed to intimate whether any of the petitioners are proclaimed offenders.

Pursuant to order dated 01.08.2017, the parties appeared before the learned Judicial Magistrate First Class, Ambala and their statements were recorded on 11.08.2017. Respondent No.2 stated that the matter has been amicably resolved by her with the accused petitioner. The settlement, it is stated, has been arrived at out of her own free will, without any pressure, allurement or undue influence. Petition under Section 13B of the HMA, it is mentioned, has been filed and their statements in the said proceedings have been recorded. Respondent No.2 further stated that she has no objection in case the abovesaid FIR is quashed against the accused petitioners. Joint statement of the petitioners in respect to the settlement was recorded as well.

As per report dated 11.08.2017 received from the learned Judicial Magistrate First Class, Ambala, it is opined that settlement between the parties is genuine, arrived at voluntarily without any threat or coercion. None of the petitioners are reported to be proclaimed offenders. 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. 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 the FIR in question as well as all consequential proceedings 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..46 dated 12.02.2015 under Sections 406/498A IPC registered at Police Station Baldev Nagar, District Ambala alongwith all consequential proceedings are, hereby, quashed.

(LISA GILL)
JUDGE

October 10 , 2017.
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No