

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

**CRM No. M-29156 of 2016  
Date of decision: 15.03.2017**

**Nirmal Kumar and others**

**..... Petitioners.**

**Versus**

**State of Haryana and another**

**..... Respondents.**

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

Present: Mr. Ajay Kamboj, Advocate, for the petitioners.

Mr. Ramesh Kumar, AAG, Haryana.

Mr. Gurmeet Singh Saini, 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. 128 dated 28.05.2013 (**Annexure P-1**) registered under Sections 498-A, 323, 34 of the Indian Penal Code (for short 'IPC') at Police Station Sirsa Sadar, District Sirsa 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 on an application submitted by respondent No. 2-Smt. Mamta. The dispute arose between the parties because of matrimonial discord between petitioner No. 1- Nirmal Kumar and respondent No.2- Mamta

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. Petition under Section 13-B of the Hindu Marriage Act, 1955 filed by them has since been allowed.

This Court on 20.01.2017 directed the parties to appear before the learned trial Court on 25.01.2017 for recording their statements in respect to the above-mentioned compromise. Learned trial court was directed to submit a report regarding the veracity of the compromise.

Pursuant to order dated 20.01.2017, the parties appeared before the learned Judicial Magistrate 1<sup>st</sup> Class, Sirsa and their statements were recorded on 07.02.2017. Respondent No.2-Smt. Mamta has stated that she was married to petitioner No. 1 on 27.03.2013. There is no child out of this wedlock. Due to difference in temperaments, they could not adjust with each other. With the intervention of respectables and family members, the matter has been amicably resolved between them. It is stated that she has received one time alimony as well as all her dowry articles. Respondent No. 2 has stated that the settlement has been arrived at out of her own free will, without any kind of pressure or coercion. Further, she has no objection to the quashing of the above said FIR against all the accused/petitioners. Statement of the father of respondent No. 2 namely, Sh. Ladha Ram in this respect was also recorded. Statement of petitioner No.1 in respect to the settlement was recorded.

As per report dated 17.02.2017, submitted by the learned Judicial Magistrate 1<sup>st</sup> Class, Sirsa, satisfaction of the Court has been recorded that the compromise has been arrived at out of the free will of the parties, without any pressure. The settlement between the parties is thus genuine. None of the petitioners are proclaimed offenders and neither are any such proceedings pending against them.

Learned counsel for the petitioners submits that all the petitioners shall remain bound by the terms and conditions of the settlement arrived at between the parties.

Learned counsel for the complainant/respondent No.2 affirms 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 ASI Ram Kumar 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 continuing the present proceedings. It will only lead to wastage of the precious time of the court and would be an exercise in futility.

This petition is, thus, allowed and FIR No. 128 dated 28.05.2013 registered under Sections 498-A,323,34 of the IPC at Police Station Sirsa

(241)

CRM No. M-29156 of 2016

-4-

Sadar, District Sirsa alongwith all consequential proceedings arising therefrom  
are hereby quashed.

(LISA GILL)  
JUDGE

15.03.2017

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

*Whether reportable* : *Yes/No.*