

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

Criminal Misc. M- No. 29439 of 2016 (O&M)

Date of decision : March 21, 2017

Sachin Mangla

.....Petitioner

Versus

State of Haryana and another

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Jagjot Singh, Advocate for
Mr. Kunal Dawar, Advocate
for the petitioner.

Mr. Sanjay K. Saini, AAG, Haryana.

Mr. Rohit Rana, 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. 28 dated 03.10.2015 (**Annexure P-1**) registered under Sections 323 and 498-A of the Indian Penal Code (for short 'IPC') at Women Police Station, District Faridabad, Haryana and all other consequential proceedings arising therefrom on the basis of compromise dated 04.05.2016 (Annexure P-3).

The above said FIR was registered at the behest of respondent No. 2. The dispute arose between the parties because of matrimonial discord between the petitioner and respondent No. 2.

With the intervention of respectables, elders and relatives, the matter has been amicably resolved between the parties. It is submitted that the petitioner has filed petition a under Section 13-B of Hindu Marriage Act, 1955. Statements at first motion had been recorded and the matter is pending.

This Court on 27.01.2017 directed the parties to appear before the learned trial Court on 06.02.2017 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 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 27.01.2017, the parties appeared before the learned Judicial Magistrate 1st Class, Faridabad and their statements were recorded on 06.02.2017. Respondent No.2 has stated that the dispute between the parties has been amicably resolved. The settlement has been arrived at out of her own free will and consent, without any kind of pressure. Respondent No. 2 has further stated that she has no objection if the above said FIR against the petitioner is quashed. Statement of the petitioner in respect to the settlement was recorded.

As per report dated 06.02.2017, submitted by the learned Judicial Magistrate 1st Class, Faridabad, it is opined that the compromise arrived at between the parties is valid, genuine, has been arrived at out of the free will of the parties without any threat, coercion or undue influence.

It is further mentioned that the petitioner is not a proclaimed offender

neither any such proceedings are pending against him.

Learned counsel for respondent No.2 affirms and verifies the factum of settlement between the parties. It is stated that there is no impediment to the quashing of the above mentioned FIR and 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 Savita, Police Station Women, Faridabad 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. 28 dated 03.10.2015 (Annexure P-1) registered under Sections 323 and 498-A of IPC at

Women Police Station, District Faridabad, Haryana alongwith all consequential proceedings arising therefrom are hereby quashed.

March 21, 2017
rts

(Lisa Gill)
Judge

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