

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

**CRM No. M-29703 of 2016
Date of decision:05.05.2017**

Shekhar and others

..... Petitioners.

Versus

State of Haryana and another

..... Respondents.

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Ms. Kamlesh, Advocate, for
Mr. Parminder Singh , Advocate, for the petitioners.

Mr. Sanjay K. Saini, Asstt. Advocate General, Haryana.

None 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. 834 dated 24.10.2014 (**Annexure P-1**) registered under Sections 323,406,498-A and 506 of the Indian Penal Code (for short 'IPC') at Police Station Civil Lines, Karnal and all other consequential proceedings arising therefrom on the basis of an amicable settlement (**Annexure P-2**) arrived at between the parties.

The above said FIR was registered at the behest of respondent No. 2-Smt. Pooja due to matrimonial discord with her husband, petitioner No. 1-Shekhar.

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. The terms and conditions of the compromise were reduced into writing on 16.08.2016. The compromise is on record of this petition as Annexure P-2.

This Court on 15.03.2017 directed the parties to appear before the learned trial Court on 30.03.2017 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 threat, coercion or undue pressure. Learned trial court was directed to intimate whether the petitioners are proclaimed offenders and whether any other case is pending against them.

Pursuant to order dated 15.03.2017, the parties appeared before the learned Chief Judicial Magistrate, Karnal on 30.03.2017. A joint statement of respondent No. 2 as well as of the petitioners was recorded. It is stated by them that the entire dispute between them has been amicably resolved. The matter relating to custody of the children including permanent alimony and all claims of the parties have been settled. A sum of Rs. 4 lakhs was received by respondent No. 2 at the time of recording of their statements at first motion in a petition under Section 13- B of the Hindu Marriage Act on 15.07.2016. Another sum of Rs. 2 lakhs was paid on 30.03.2017 and the remaining Rs.2 lakhs would be paid at the time of recording of the statements at second motion.

As per report dated 05.04.2017, submitted by the learned Chief Judicial Magistrate, Karnal it is opined that the settlement between the parties is genuine, voluntary, arrived at out of the free will of the parties, without any coercion or undue influence. All the three accused are petitioners before this Court. None of them are proclaimed offenders and neither are any such proceedings pending against them.

Mr. Vikram Singh, Advocate, appeared on behalf of respondent No. 2 on 15.03.2017. He affirmed and verified the factum of settlement between the parties.

Learned counsel for the State on instructions from SI Braham Saroop, Police Station Civil Lines Karnal informs that a petition under Section 13-B of the Hindu Marriage Act preferred by respondent No.2 and petitioner No. 1 has since been allowed on 26.04.2017. He 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. 834 dated 24.10.2014 (**Annexure P-1**) registered under Sections 323,406,498-A and 506 of the Indian Penal Code (for short 'IPC') at Police Station Civil Lines, Karnal

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alongwith all consequential proceedings arising therefrom are hereby quashed.

(LISA GILL)
JUDGE

05.05.2017

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Whether speaking/reasoned : *Yes/No.*

Whether reportable : *Yes/No.*