IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM No. M-29992 of 2016
Date of decision: 06.04.2017

Parvinder Singh and others ..... Petitioners.

Versus

State of Haryana and another ..... Respondents.

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. D.K. Prajapati, Advocate, for the petitioners.

Mr. Sanjay K. Saini, AAG, 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. 63 dated 24.03.2014 (**Annexure P-1**) registered under Sections 498-A and 406 of the Indian Penal Code (for short 'IPC') at Police Station N.I.T. Faridabad, District Faridabad 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. Jasmit Kaur. The dispute arose between the parties because of matrimonial discord between petitioner No. 1- Parvinder Singh and respondent No.2- Jasmit Kaur.

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. It is submitted that a petition under Section 13- B of the Hindu Marriage Act, 1955 filed by petitioner No. 1 and respondent No. 2 has since been allowed on 08.09.2015 (Annexure P-2).

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This Court on 23.02.2017 directed the parties to appear before the learned trial Court on 07.03.2017 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 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 23.02.2017, the parties appeared before the learned Judicial Magistrate 1st Class, Faridabad and their statements were recorded on 07.03.2017. Respondent No.2-Smt. Jasmit Kaur has stated that the matter has been amicably resolved with the petitioners with the intervention of respectable persons. The settlement has been arrived at out of her own free will, without any fear or pressure. Respondent No. 2 has stated that she has no objection if the above said FIR qua the petitioners is quashed. Joint statement of all the three petitioners in respect to the settlement was recorded.

As per report dated 08.03.2017, submitted by the learned Judicial Magistrate 1st Class, Faridabad, it is opined that the settlement between the parties is genuine and valid, arrived at between the parties voluntarily, without any coercion or undue influence. It is noted that the petitioners are the three accused in this case. They are not involved in any other matter and neither are they proclaimed offenders.

Mr. Bikram Chaudhary, Advocate, had appeared on behalf of respondent No. 2 on 24.01.2017 and 23.02.2017. He had affirmed and verified the factum of settlement between the parties.

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Learned counsel for the State on instructions from ASI Kailash Chand, Police Station N.I.T. 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. 63 dated 24.03.2014 (**Annexure P-1**) registered under Sections 498-A and 406 of the IPC at Police Station N.I.T. Faridabad, District Faridabad alongwith all consequential proceedings arising therefrom are hereby quashed.

(LISA GILL)
JUDGE

06.04.2017
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Whether speaking/reasoned : Yes/No.
Whether reportable : Yes/No.

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