

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

**CRM No. M-3204 of 2017
Date of decision: 16.05.2017**

Rupesh Tyagi and others **Petitioners.**

Versus

State of Haryana and another **Respondents.**

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Deepak Vashishth, Advocate, for the petitioners.

Mr. Sanjay K. Saini, AAG, Haryana.

Mr. Sarvesh Kumar Gupta, 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. 12 dated 11.01.2013 registered under Sections 498-A, 323, 506, 34 of the Indian Penal Code (for short 'IPC') at Police Station Sector 7, 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. Preety Tyagi due to matrimonial discord with her husband, petitioner No. 1.

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.

This Court on 13.02.2017 directed the parties to appear before the learned trial Court on 28.02.2017 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 fear, apprehension, undue influence or coercion. 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 13.02.2017, the parties appeared before the learned Judicial Magistrate 1st Class, Faridabad and their statements were recorded on 28.02.2017. Respondent No.2-Smt. Preety Tyagi has stated she has amicably resolved the matter with the accused persons. The settlement has been arrived at out of her own free will, without any kind of threat, coercion or fraud. A petition under Section 13- B of the Hindu Marriage Act has been filed by her and her husband. Respondent No. 2 stated that she has no objection to the quashing of the above mentioned FIR against all the accused persons. A joint statement of all the three petitioners in respect to the settlement was recorded.

As per report dated 01.03.2017, submitted by the learned Judicial Magistrate 1st Class, Faridabad, it is opined that the compromise between the parties is genuine, arrived at out of the free will of the parties, without any kind of threat or pressure. None of the petitioners are proclaimed offenders and neither are any such proceedings pending against them.

Learned counsel for the complainant/respondent No.2 reaffirms 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 SI Rajbir Singh, Police Station Sector 7, 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. 12 dated 11.01.2013 registered under Sections 498-A, 323, 506, 34 of the IPC at Police Station Sector-7, Faridabad alongwith all consequential proceedings arising therefrom are hereby quashed qua the petitioners. However, liberty is afforded to respondent No. 2 to file necessary application for revival of the proceedings in the above said FIR, in case the terms and conditions of settlement between the parties are not adhered to by the petitioners or it is found that the settlement was a mere ruse to have the aforesaid FIR quashed.

16.05.2017

PA

(LISA GILL)
JUDGE

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