

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

CRM-M-32240 of 2017 (O&M)

Date of Decision:17.11.2017

Debashish Roy

..... Petitioner

Versus

State of Haryana and another

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr.Ankush Chowdhary, Advocate
for the petitioner.

Mr. Anmol Malik, AAG, Haryana.

Mr. Rohit Chandel, Advocate
for respondent no.2.

LISA GILL, J(Oral).

Prayer in this petition is for quashing of FIR No.22 dated 03.02.2017, under Sections 406, 498-A, 506 IPC, registered at Police Station Women, Gurugram (Haryana), along with all other consequential proceedings arising therefrom on the basis of compromise arrived at between the parties.

It is submitted that the above-said FIR was registered at the instance of respondent No.2 due to matrimonial discord with petitioner. Terms and conditions of the compromise/settlement were reduced into writing on 01.04.2017 (Annexure P-2). Learned counsel for the petitioner submits that part of the settled amount has been handed over to respondent no.2 and rest of the settled amount shall be handed over to her on 30.11.2017 i.e. the date fixed for recording of

the statements of the parties at second motion in the proceedings under Section 13-B of the Hindu Marriage Act, 1955.

This Court on 27.09.2017 directed the parties to appear before the learned trial court for recording of 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 also directed to intimate whether the petitioner is absconding/proclaimed offender and whether any other case is pending against him. Information was sought as to whether all affected persons are a party to the settlement.

Pursuant to order dated 27.09.2017, the parties appeared before the learned Judicial Magistrate Ist Class, Gurugram and their statements were recorded on 12.10.2017. Respondent No.2 stated that the matter has been amicably resolved by her with the accused-petitioner out of her own free will, without any coercion or pressure of any kind. It is stated by respondent no.2 that she has no objection to the quashing of the abvoesaid FIR provided the petitioner strictly adheres to the terms and conditions of the settlement and remits the balance of the settled amount in terms of the compromise. Statement of the petitioner in respect to the compromise was recorded as well.

As per report dated 24.10.2017, received from the learned Judicial Magistrate Ist Class, Sohna, Gurugram, it is opined that the compromise/settlement between the parties is genuine, valid, arrived at out of the free will of the parties. Petitioner is not reported

to be a proclaimed offender.

Learned counsel for respondent No.2 reaffirms and verifies the factum of settlement between the parties. It is reiterated that respondent No.2 has no objection to the quashing of the above-mentioned FIR against the petitioner subject to strict adherence to the terms and conditions of the settlement by the petitioner.

Learned counsel for the State, on instructions from ASI Dalbir Singh, has not raised any serious objection to the quashing of this FIR on the basis of a settlement arrived at 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.

Keeping in view the facts and circumstances of this case, it would be in the interest of justice to quash the above-said FIR as no useful purpose would be served by continuance of the present proceedings. It will merely lead to wastage of precious time of the court and would be an exercise in futility.

This petition is, thus, allowed and FIR No.22 dated 03.02.2017, under Sections 406, 498-A, 506 IPC, registered at Police Station Women, Gurugram (Haryana) along with all consequential proceedings are, hereby, quashed.

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 petitioner(s) or it is found that the settlement was a mere ruse to have the aforesaid FIR quashed.

17.11.2017

s.khan

[LISA GILL]
Judge

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.