

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

**CRM No. M-33185 of 2016
Date of decision: 15.05.2017**

Satyawan and others

..... Petitioners.

Versus

State of Haryana and another

..... Respondents.

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Ram Pal Verma, 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. 217 dated 11.08.2013 (**Annexure P-1**) registered under Sections 498-A and 406 of the Indian Penal Code (for short 'IPC') at Police Station Beri, District Jhajjar 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. Manju. The dispute arose between the parties because of matrimonial discord between petitioner No. 1- Satyawan and respondent No.2- Manju.

It is submitted that respondent No. 2 and her real sister namely, Seema Devi were married to petitioner No. 1 and petitioner No. 5 respectively.

With the intervention of *Panchayat*, respectables and relatives, the matter has been amicably resolved between the parties. Reference is

made to the compromise dated 01.09.2016 (Annexure P-2). It is submitted that respondent No. 2 as well as her sister have decided to part ways from their respective husbands. Petitions under Section 13-B of the Hindu Marriage Act have been filed. Statements of the parties at second motion are to be recorded.

This Court on 16.03.2017 directed the parties to appear before the learned trial Court on 22.03.2017 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.

Pursuant to order dated 16.03.2017, the parties appeared before the learned Judicial Magistrate 1st Class, Jhajjar and their statements were recorded on 30.03.2017. Respondent No.2- Manju has stated that the matter has been amicably resolved with the accused persons. The settlement has been arrived at without at pressure, coercion or undue influence. It is stated by respondent No. 2 that she does not wish to pursue the present proceedings against any of the respondents. Similarly statement of her sister namely, Seema has also been recorded in respect to the settlement. Statements of the petitioners in respect to the settlement were recorded as well.

As per report dated 30.03.2017, submitted by the learned Judicial Magistrate 1st Class, Jhajjar, it is opined that the compromise between the parties is genuine, voluntary, arrived at out of the free will of the parties, without any coercion or undue influence. None of the petitioners are

proclaimed offenders and neither are any such proceedings pending against them.

Mr. Gautam Kaile, Advocate, appeared on behalf of respondent No. 2 on 16.03.2017. He affirmed and verified the factum of settlement between the parties and had submitted that respondent No. 2 has no objection to the quashing of the above said FIR.

Learned counsel for the State on instructions from HC Ajeet Singh, Police Station Beri, District Jhajjar 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. 217 dated 11.08.2013 registered under Sections 498-A and 406 of the IPC at Police Station Beri

District Jhajjar 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.

(LISA GILL)
JUDGE

15.05.2017
PA

Whether speaking/reasoned : *Yes/No.*

Whether reportable : *Yes/No.*