

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

Criminal Misc. M- No. 34667 of 2016 (O&M)

Date of decision : May 22, 2017

Ashish Kumar Mandelia

.....Petitioner

Versus

State of Haryana and another

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Jai Parkash Bhatti, Advocate
for the petitioner.

Mr. Sanjay K. Saini, AAG, Haryana.

Mr. Balbir Singh Saini, 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. 506 dated 10.09.2014 (**Annexure P-1**) registered under Sections 498-A, 406 and 34 of the Indian Penal Code (for short 'IPC') at Police Station Sector 7, Faridabad, District Faridabad and all other consequential proceedings arising therefrom on the basis of an amicable settlement arrived at between the parties.

The above said FIR was registered at the behest of respondent No. 2. The dispute arose between the parties because of matrimonial discord between the petitioner and respondent No.2.

With the intervention of respectables, elders and relatives, the

matter has been amicably resolved between the parties. The petitioner and respondent No.2 have decided to part ways. Petition under Section 13-B of the Hindu Marriage Act, 1955, it is informed has since been allowed on 28.11.2016. The terms and conditions of the compromise were reduced into writing on 20.05.2016 (Annexure P-2).

This Court on 16.03.2017 directed the parties to appear before the learned trial Court on 20.04.2017 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 petitioner is proclaimed offender and whether any other case is pending against him. Information was sought as to whether all affected persons are party to the settlement.

Pursuant to order dated 16.03.2017, the parties appeared before the learned Judicial Magistrate 1st Class, Faridabad and their statements were recorded on 20.04.2017. Respondent No.2 has stated that the matter has been amicably resolved between the parties. Respondent No. 2 states that she has no objection to the quashing of the above said FIR against the petitioner. Statement of the petitioner in respect to the settlement was also recorded.

As per report dated 20.04.2017, submitted by the learned Judicial Magistrate 1st Class, Faridabad, it is opined that the compromise arrived at between the parties is genuine, has been arrived at out of the free will of the parties, without any threat, coercion. It is further mentioned that the petitioner is not a proclaimed offender.

Learned counsel for the respondent No.2 affirms and verifies the factum of settlement between the parties. It is stated that there is no impediment to the quashing of the above mentioned FIR and respondent No. 2 has no objection, whatsoever, to the quashing of the above mentioned FIR qua the petitioner.

Learned counsel for the State on instructions from ASI Vikas, 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. 506 dated 10.09.2014 registered under Sections 498-A, 406 and 34 of the Indian Penal Code (for short 'IPC') at Police Station Sector 7, Faridabad, District

Faridabad alongwith all consequential proceedings arising therefrom are hereby quashed.

May 22, 2017
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes

Whether reportable : Yes/No