

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

**CRM No. M-34696 of 2016
Date of decision: 27.02.2017**

Sushank Bhandari

..... Petitioner.

Versus

State of Haryana and another

..... Respondents.

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Gobind Dhanda , Advocate for the petitioner.

Mr. R.K. Dhoon, AAG, Haryana.

Mr. Balwinder Singh, Advocate for
Mr. Daljit Singh, 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. 31 dated 04.03.2016 registered under Sections 406 and 498-A of the Indian Penal Code (for short 'IPC') at Police Station Sector 14, Panchkula 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 on the basis of an application submitted by respondent No.2-Smt. Neha, who was married to petitioner- Sushank Bhandari, alleging commission of offences under Sections 406 and 498-A IPC qua the petitioner.

The above said FIR arises out of matrimonial discord between petitioner and respondent No.2. Due to the intervention of respectables, elders and friends, a compromise has been arrived at between the parties.

The parties wish to live in peace and harmony and put an end to the

acrimony between them. Present petition has been filed on the basis of this compromise.

It is submitted that the parties have decided to part ways. A petition under Section 13-B of the Hindu Marriage Act for divorce by mutual consent was filed by petitioner and respondent No. 2. Statements of the parties at first motion have been recorded and the case is now fixed for 28.02.2017 for recording of their statements at second motion.

This Court on 02.02.2017 had directed the parties to appear before the learned Illaqa Magistrate on 06.02.2017 for getting their statements recorded in respect to the above-mentioned compromise. Learned trial court/Illaqa Magistrate 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.

Pursuant to order dated 02.02.2017, the parties appeared before the learned Additional Chief Judicial Magistrate, Panchkula and their statements were recorded on 06.02.2017. Respondent No.2-Smt.Neha has stated that she has amicably resolved the matter with the accused-petitioner. The terms and conditions of the settlement are mentioned in the compromise dated 08.08.2016. A petition under Section 13-B of the Hindu Marriage Act,1955 has also been filed. She has further stated that the compromise has been arrived at out of her own free will, without any threat coercion or undue pressure. In view of the said settlement, she has stated that she does not wish to pursue the above said FIR and has no objection in case the same is quashed qua the accused. Statements of the petitioner in respect to the settlement was also recorded.

As per report dated 07.02.2017 submitted by the learned Additional Chief Judicial Magistrate, Panchkula, it is noted that there is no doubt regarding the bonafide, reliability and validity of the compromise entered into between the complainant and the accused. The compromise is stated to be genuine, arrived at voluntarily between the parties concerned. It is further noted that the petitioner is not a proclaimed offender.

Learned counsel for the complainant/respondent No.2 affirms and verifies the factum of settlement between the parties. It is stated that respondent No.2 has no objection to the quashing of the above mentioned FIR.

Learned counsel for the State, submits that the present being a matrimonial dispute the State has no objection to the quashing of this FIR on the basis of the 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”.

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 continuing the present proceedings. It will only lead to wastage of the precious time of the court and would be an exercise in futility.

This petition is, thus, allowed and FIR No. 31 dated 04.03.2016 registered under Sections 406 and 498-A of the Indian Penal Code (for short

'IPC') at Police Station Sector 14, Panchkula, District Panchkula alongwith all consequential proceedings arising therefrom are hereby quashed.

(LISA GILL)
JUDGE

27.02.2017

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Whether speaking/reasoned : *Yes/No.*

Whether reportable : *Yes/No.*