

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

**CRM No. M-3464 of 2017
Date of decision: 01.05.2017**

Ravi Kant

..... Petitioner.

Versus

State of Haryana and another

..... Respondents.

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. S.K. Yadav, Advocate, for the petitioner.

Mr. Sanjay K. Saini, AAG, Haryana.

Ms. Jagriti Kalia, Advocate, for

Mr. Naresh Kumar Ganga, 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. 351 dated 12.12.2014 (**Annexure P-1**) registered under Sections 498-A, 323, 406 and 506 of the Indian Penal Code (for short 'IPC') at Police Station Nangal Chaudhary, District Mahendergarh 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 Rani. 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. It is submitted that the petitioner and respondent No. 2 are now living together at their matrimonial home along with their minor child.

This Court on 08.03.2017 directed the parties to appear before the learned Illaqa Magistrate/trial Court on 23.03.2017 for recording their statements 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 threat, coercion or undue pressure. Learned Illaqa Magistrate/trial court was directed to intimate whether the petitioner is a 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 08.03.2017, the parties appeared before the learned Judicial Magistrate 1st Class, Narnaul and their joint statement was recorded on 27.03.2017. Respondent No.2-Smt. Manju Devi as well as the petitioner stated that the matter has been amicably resolved. The settlement has been arrived at out of their own free will, without any kind of pressure, coercion or threat. It is stated that both of them are living together as husband and wife. There is no objection to the quashing of the aforementioned FIR against the petitioner, who is the sole accused in this case.

As per report dated 18.04.2017, submitted by the learned Judicial Magistrate 1st Class, Narnaul, it is opined that the settlement between the parties is genuine, voluntary arrived at out of the free will of the parties, without any coercion or pressure. The petitioner is the sole accused. He is not a proclaimed offender and neither are any such proceedings pending against him.

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 the petitioner.

Learned counsel for the State on instructions from SI Ashok Kumar, 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. 351 dated 12.12.2014 registered under Sections 498-A, 323, 406 and 506 of the IPC at Police Station Nangal Chaudhary, District Mahendergarh alongwith all consequential proceedings arising therefrom are hereby quashed qua the petitioner. Liberty is, however, 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 or it is found that the settlement was a mere ruse to have the aforesaid FIR quashed.

01.05.2017

PA

(LISA GILL)
JUDGE

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