

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

**CRM No. M-35717 of 2016
Date of decision: 06.03.2017**

Gaurav Aggarwal

..... Petitioner.

Versus

State of Haryana and another

..... Respondents.

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Vaibhav Narang, Advocate, for the petitioner.

Mr. Ramesh Kumar, AAG, Haryana.

Mr. Prateek Sodhi, 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. 54 dated 29.08.2016 registered under Sections 406 and 498-A of the Indian Penal Code (for short 'IPC') at Police Station Women, Panchkula and all other consequential proceedings arising therefrom on the basis of a settlement dated 26.08.2016 (Annexure P-1) arrived at between the parties before the National Commission for Women.

The above said FIR was registered on the basis of an application/complaint submitted by respondent No.2-Smt. Yashita.

The said FIR is a fall out of matrimonial discord between the petitioner and respondent No.2. A settlement has been arrived at between the parties during mediation proceedings conducted before the National Commission for Women. The terms and conditions of the settlement were reduced into writing on 26.08.2016, which are on record of this petition as Annexure P-1. The parties have decided to part ways. It is submitted that a

petition under Section 13-B of the Hindu Marriage Act, 1955 has been filed by the petitioner and respondent No.2. Statements of the parties at first motion have been recorded and the matter is now pending for recording of their statements at second motion on 16.03.2017. Respondent No. 2-Smt. Yashita, it is submitted has received the entire amount in terms of the settlement (Annexure P-1) between the parties.

This Court on 13.01.2017 directed the parties to appear before the learned trial Court on 30.01.2017 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 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 13.01.2017, the parties appeared before the learned Additional Chief Judicial Magistrate, Panchkula and their statements were recorded on 30.01.2017. Respondent No.2-Smt. Yashita submitted her affidavit dated 30.01.2017 in respect to the compromise arrived at between the parties. Her statement was also recorded. Respondent No. 2 stated that she has settled the entire dispute with the petitioner in an amicable manner. Compromise dated 26.08.2016 is attached with the file of Criminal Miscellaneous No. M-35717 of 2016 (present petition), pending before this Court. Respondent No. 2 stated that the compromise is voluntary, arrived at out of her own free will without any threat, coercion or undue pressure. She further

stated that the above said FIR be quashed in view of the settlement between the parties. Statement of the petitioner in this regard was also recorded .

As per report dated 31.01.2017, submitted by the learned Additional Chief Judicial Magistrate, Panchkula it is opined that the compromise is genuine, arrived at between the parties voluntarily. It is specifically mentioned that there are no circumstances to doubt the bonafide, reliability and validity of the compromise arrived at between the complainant and the accused petitioner. The petitioner is not a proclaimed offender and is not involved in any other case. The petitioner is the sole accused in this matter.

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, whatsoever, to the quashing of the above mentioned FIR qua the petitioner.

Learned counsel for the State on instructions from SI Jaswinder Kaur 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 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. 54 dated 29.08.2016 registered under Sections 406 and 498-A of the IPC at Police Station Women, Panchkula alongwith all consequential proceedings arising therefrom are hereby quashed.

(LISA GILL)
JUDGE

06.03.2017

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Whether speaking/reasoned : *Yes/No.*

Whether reportable : *Yes/No.*