

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

**Criminal Misc. No. M-35734 of 2016
Date of Decision : January 16, 2017**

Dipesh Garg Petitioner

VERSUS

State of Haryana and Another..... Respondents

CORAM : HON'BLE MRS. JUSTICE LISA GILL

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?
- 4.

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Present: Ms. Aarti Gupta, Advocate
for the petitioner.

Mr. Sanjay K. Saini, AAG, Haryana,
for the State/respondent No.1.

Ms. Neerupama, respondent No.2, in person.

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LISA GILL, J. (Oral)

1. Prayer in this petition is for quashing of FIR No.42 dated 23.12.2015 under Sections 323, 506 and 498-A IPC registered at Police Station Women Cell, Hisar, as well as subsequent proceedings arising therefrom.

2. A Demand Draft No. 993160 dated 12.01.2016 for ₹2 lacs has been handed over to respondent No.2-Ms. Neerupama, who is present in

Court. She is duly identified by the Investigating Officer SI Sheela Devi, Police Station Women Cell, Hisar. Photocopy of the said Demand Draft is taken on record.

3. The above said FIR arises out of matrimonial discord between the petitioner and respondent No.2-Neerupama. It was registered on the basis of an application submitted by respondent No.2 through her counsel to the SHO Police Station, Women Cell, Hisar. The parties on intervention of the respectables and other relatives have arrived at an amicable settlement which has been reduced into writing on 4.8.2016 (Annexure P-2).

4. The respondent No.2-Neerupama submits that she has no objection to the quashing of this FIR in view of the settlement arrived at between the parties. She has received ₹6 lacs out of the total of ₹10 lacs.

5. Learned counsel for the petitioner submits that as settled between the parties a sum of ₹4 lacs shall be handed over to respondent No.2 at the time of final statement to be made in the petition under Section 13-B of the Hindu Marriage Act. In case the said payment is not made, respondent No.2 has the right to revive the present criminal proceedings.

6. Pursuant to order dated 15.11.2016 passed by this Court the parties appeared before the learned Judicial Magistrate 1st Class, Hisar, on 17.12.2016. Their statements have been recorded with regard to the settlement arrived at between the parties. Respondent No.2-Neerupama has stated before the Judicial Magistrate 1st Class, Hisar, that she has settled the matter and is satisfied by the settlement. Statement of the petitioner was also recorded to the same effect. Photocopies of the statements are attached along with the report dated 22.12.2016 of the learned Judicial Magistrate 1st Class, Hisar. In the said report it is opined that the compromise appears to

have been voluntarily arrived at and is genuine. None of the parties are proclaimed offenders neither any such proceedings are pending against them.

7. Learned counsel for respondent No.2 affirms and verifies the factum of settlement arrived at between the parties. He states that respondent No.2 has no objection whatsoever to the quashing of this FIR. She does not wish to pursue any proceedings arising from this FIR against the petitioner.

8. Learned counsel for the State, on instructions from SI Sheela Devi, Police Station Women Cell, Hisar, submits that present being a matrimonial dispute, the State does not have any objection to the quashing of the FIR on the basis of a settlement between the parties.

9. In ***Kulwinder Singh and others v. 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.”

10. In view of the above, it would be in the interest of justice to quash the above said FIR as no useful purpose would be served by continuing the present proceedings. It will only lead to wastage of precious time of the court and would be an exercise in futility.

11. This petition is, thus, allowed and FIR No.42 dated 23.12.2015

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under Sections 323, 506 and 498-A IPC registered at Police Station Women Cell, Hisar, alongwith all consequential proceedings are, hereby, quashed.

16.1.2017
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(LISA GILL)
JUDGE

Note: Whether speaking/reasoned

Yes / No

Whether Reportable:

Yes / No