

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

Criminal Misc. M- No. 35736 of 2016 (O&M)

Date of decision : July 11, 2017

Anoop Singh and others

.....Petitioners

Versus

State of Haryana and others

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Surinder Gaur, Advocate
for the petitioners.

Mr. Anmol Malik, AAG, Haryana.

Mr. Gautam Kaile, Advocate for
Mr. Amrit P.S. Sidhu, Advocate
for respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No. 445 dated 29.10.2014 registered under Sections 498A, 506, 406, 34 of Indian Penal Code (for short – 'IPC') at Police Station Sadar Rohtak, District Rohtak and all other consequential proceedings arising therefrom on the basis of a compromise arrived at between the parties.

The abovesaid FIR was registered at the behest of respondent No. 3 on account of matrimonial discord between respondent No. 2 and her husband i.e., petitioner No.1. With the intervention of respectables and relatives, a compromise has been arrived at between the parties. It is submitted that petition under Section 13B of the Hindu Marriage Act, 1955 has been allowed on 20.09.2016 (Annexure P-5). The parties wish to live in

peace and harmony and put an end to the acrimony between them. The present petition has been filed on the basis of this compromise.

This Court on 19.01.2017 directed the parties to appear before learned trial court 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 also directed to intimate whether any of the petitioners are absconding/proclaimed offenders and whether any other case is pending against them. Information was sought as to whether all affected persons are a party to the settlement.

Pursuant to order dated 19.01.2017, the parties appeared before the learned Judicial Magistrate First Class, Rohtak and their statements were recorded on 30.03.2017. Respondents No. 2 and 3 have stated that the dispute between the parties has been amicably resolved. It is stated that the decree of divorce by mutual consent has been passed on 20.09.2016. It is further stated that none of the parties shall indulge in any other litigation against each other. Neither would they claim anything from each other. Respondents No. 2 and 3 further stated that they have no objection to the quashing of the abovesaid FIR qua all the petitioners. A joint statement of the petitioners in respect to the settlement was recorded as well.

As per report dated 03.04.2017 received from the learned Judicial Magistrate First Class, Rohtak it is opined that the settlement between the parties is voluntary, arrived at without any pressure or coercion etc. from any corner. The settlement is verified to be genuine. None of the three accused persons are proclaimed offenders. Statements of the parties

are appended alongwith the said report.

Learned counsel for respondents No.2 and 3 reaffirms and verifies the factum of settlement between the parties. It is reiterated that respondents No. 2 and 3 have no objection to the quashing of the abovementioned FIR against all the petitioners.

Learned counsel for the State submits that as the abovesaid FIR arises out of a matrimonial dispute, the State has no objection to the quashing of this FIR on the basis of a settlement arrived at 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.

Keeping in view the facts and circumstances of this case, 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 merely lead to wastage of precious time of the court and would be an exercise in futility.

This petition is, thus, allowed and FIR No. 445 dated 29.10.2014 registered under Sections 498A, 506, 406, 34 IPC at Police

Station Sadar Rohtak, District Rohtak alongwith all consequential proceedings are, hereby, quashed.

July 11, 2017
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes

Whether reportable : Yes/No