

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

Crl. Misc. No.M-36072 of 2016

Date of decision: 03.02.2017

Navneet Vashishat

... Petitioner

versus

State of Haryana and another

.... Respondents

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Parminder Singh, Advocate for the petitioner.
Mr. Ramesh Kumar, AAG Haryana.
Ms. Sushma Varma Syal, Advocate for respondent No.2.

LISA GILL, J. (ORAL)

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No. 236 dated 14.06.2012 under Section 406, 420 & 498-A IPC, (Annexure-P1) registered at Police Station, Ambala Cantt, District Ambala on the basis of a compromise arrived at between the parties on 29.02.2016.

The above said FIR was registered on the basis of statement of respondent No.2, i.e. wife of the petitioner. The dispute stems from matrimonial discord between the said persons. The FIR was lodged against the petitioner as well as two others, however only the petitioner was proceeded against and other two accused have been found innocent during investigation.

Due to intervention of respectables and relatives, a

compromise has been arrived at between the parties, the terms of which were reduced in writing on 29.02.2016 (Annexure P2) The parties are residing peacefully together at their matrimonial home and wish to put an end to the acrimony between them. Present petition has been filed on the basis of this compromise.

This Court on 21.11.2016 had directed the parties to appear before the learned trial court on 07.12.2016 for getting their statements recorded 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 the petitioner is absconding/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 21.11.2016, the parties appeared before the learned Judicial Magistrate 1st Class, Ambala and their statements were recorded on 16.01.2017. Respondent No.2-Sarika Sharma made a statement to the effect that she has compromised the matter with the accused-petitioner out of her own free will and volition, without any coercion, undue influence or fear. Respondent No.2 has stated that she is living with her husband i.e. petitioner. Further she has no objection in case the abovesaid FIR is quashed. Statement of the petitioner was also recorded.

As per report dated 16.01.2017 of the Judicial Magistrate 1st Class, Ambala, it is noted that the compromise effected between the parties is genuine, entered into out of their own free will and consent, without any coercion, undue influence or fear. Statements of the parties have been appended alongwith the report.

Learned counsel for 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 above mentioned FIR.

Learned counsel for the State, on instructions from ASI Vishwajeet Singh, Police Station, Ambala Cantt, District Ambala submits that the State has no objection to the quashing of this FIR on the basis of the compromise 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. Consequently FIR No. 236

dated 14.06.2012 under Section 406, 420 & 498-A IPC, (Annexure-P1)
registered at Police Station, Ambala Cantt, District Ambala alongwith
all consequential proceedings are hereby quashed.

(LISA GILL)
JUDGE

03.02.2017

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Whether speaking/non-speaking: Yes/No

Whether reportable : Yes/No