

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

1.

**CRM No. M-36545 of 2016
Date of decision: 26.04.2017**

Rohit Kumar and another	Versus	 Petitioners.
State of Haryana and another		 Respondents.

2.

**CRM No. M-9469 of 2015
Date of decision: 26.04.2017**

Aarti and another	Versus	 Petitioners.
State of Haryana and another		 Respondents.

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Petitioner No.1 Rohit Kumar in person
 (in CRM No. M-36545 of 2016).

 Mr. Manoj Kumar, Advocate, for the petitioners
 (in CRM No. M- 9469 of 2015).

 Mr. Sanjay K. Saini, Asstt. Advocate General, Haryana.

 Ms. Chhaya Gupta- respondent No.2 in person.

LISA GILL, J.

 This order will dispose of dispose of criminal miscellaneous No. M-36545 of 2016 and criminal miscellaneous No. M-9469 of 2015 as in both these petitions, the petitioners seek quashing of FIR No. 396 dated 23.04.2014 registered under Sections 406,498-A, 323 and 506 of the Indian Penal Code (for short 'IPC') at Police Station City Karnal.

 Criminal Miscellaneous No. M-36545 of 2016 has been preferred by the petitioners- Rohit Kumar and Nathian Devi for quashing of above said FIR and all other consequential proceedings arising therefrom on the basis of an amicable settlement arrived at between the parties on 30.08.2016.

It is submitted that the petitioner No.1- Rohit Kumar and respondent No. 2- Chhaya Gupta are now living together peacefully in their matrimonial home along with their minor child.

The above said FIR was registered at the behest of respondent No. 2- Chhaya Gupta. The dispute arose between the parties because of matrimonial discord between petitioner- Rohit Kumar and respondent- Chhaya Gupta.

With the intervention of respectables, elders and relatives, the matter has been amicably resolved between the parties. The terms and conditions of the settlement are reflected in the compromise deed dated 30.08.2016.

Criminal miscellaneous No. M-9469 of 2015 was earlier preferred by the other two accused in this case i.e. the sisters-in-law of respondent No.2- Chhaya Gupta. The said petition has been filed for quashing of the aforementioned FIR on merits. Further proceedings qua both the petitioners in criminal miscellaneous No. M-9469 of 2015 were stayed by this Court on 17.11.2015. It is submitted by learned counsel for the petitioners that in view of the settlement arrived at between the parties, this petition should also be disposed of in view of the said settlement.

Respondent No.2-Chhaya Gupta, duly identified by ASI Manjoorali, Police Station City, Karnal is present in person. She reiterates that in view of the settlement with her husband- Rohit Kumar, she is residing with him along with their minor child since 30.08.2016 at her matrimonial home. She has no objection to the quashing of the present FIR against her sisters-in-law as well. Her statement in respect of the settlement between the parties has already been recorded before the learned Judicial Magistrate 1st Class, Karnal

on 19.12.2016, in compliance of the order passed in Criminal Miscellaneous No. M-36545 of 2016.

It is to be noted that this Court on 30.11.2016, in Criminal Miscellaneous No. M-36545 of 2016, directed the parties to appear before the learned Illaqa Magistrate/trial Court on 21.12.2016 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. Learned Illaqa Magistrate/trial court was directed to intimate whether the petitioners are proclaimed offenders and whether any other case is pending against them. Information was sought as to whether all affected persons are party to the settlement.

Pursuant to order dated 30.11.2016, passed in Criminal Miscellaneous No. M-36545 of 2016, the parties, including the sisters-in-law (petitioners in CRM No. M-9469 of 2015) of respondent No. 2 appeared before the learned Judicial Magistrate 1st Class, Karnal on 19.12.2016 for recording their statements in respect to the above-mentioned compromise. Respondent No. 2 has stated that she has amicably resolved the entire dispute with the accused persons. The settlement has been arrived at out of her own free will, without any kind of pressure or coercion. Respondent No. 2 has stated that she does not wish to pursue the matter against any of the accused and has no objection in case the above said FIR against all the accused is quashed. Joint statement of all the four accused/petitioners in respect to the settlement was recorded.

As per report dated 22.12.2016, submitted by the learned Judicial Magistrate 1st Class, Karnal, it is opined that the settlement between the parties

is genuine, voluntary, arrived at out of the free will of the parties. There are four accused in this case FIR. None of them are proclaimed offenders.

As noted above, respondent No. 2, who is present in Court has no objection, whatsoever, in case the aforementioned FIR is quashed qua all the four accused persons.

Learned counsel for the State on instructions from ASI Manjoorali, Police Station City, Karnal 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.

Criminal Miscellaneous No. M-36545 of 2016 is thus allowed.

Criminal Miscellaneous No. M-9469 of 2015 is also allowed in view of the

settlement between the parties and their subsequent statements recorded before the learned trial Court on 19.12.2016.

Accordingly FIR No. 396 dated 23.04.2014 registered under Sections 406,498-A, 323 and 506 of the Indian Penal Code (for short 'IPC') at Police Station City Karnal alongwith all consequential proceedings arising therefrom are hereby quashed qua all the accused persons. However, liberty is 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 petitioners or it is found that the settlement was a mere ruse to have the aforesaid FIR quashed.

(LISA GILL)
JUDGE

26.04.2017

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Whether speaking/reasoned : *Yes/No.*

Whether reportable : *Yes/No.*