

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

Criminal Misc. No. M- 36566 of 2016(O&M)

Date of Decision: August 17 , 2017.

Jitender Sehgal and others PETITIONER(s)

Versus

State of Haryana and another RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Hitesh Kumar Sammi, Advocate
for the petitioners.

Mr. Sandeep Vashisht, DAG, Haryana.

Mr. Yashveer Kharb, Advocate
for the complainant/respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.36 dated 13.06.2016 under Sections 498A/406/506/377/34 IPC registered at Police Station Women Police, District Sonapat 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.2 due to matrimonial discord with her husband i.e., petitioner No.1. This petition was initially filed for quashing of the aforementioned FIR on merits of the case. However the parties amicably resolved the dispute amongst themselves before the Mediation and Conciliation Centre of this Court on 27.01.2017. The terms

and conditions of the said settlement are attached with this file.

Subsequently affidavit dated 15.03.2017 was filed by petitioner No.1 – Jitender Sehgal praying that the FIR in question alongwith consequential proceedings arising therefrom be quashed in view of the settlement arrived at between the parties before the Mediation and Conciliation Centre of this Court. The parties wish to live in peace and harmony and put an end to the acrimony between them.

This Court on 15.03.2017 directed the parties to appear before learned trial court/Illaqa Magistrate 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 without any coercion, fear or undue influence. Learned trial court/Illaqa Magistrate 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 15.03.2017, the parties appeared before the learned Judicial Magistrate First Class, Sonapat and their statements were recorded on 07.04.2017. Respondent No.2 stated that the matter has been amicably resolved with all the accused-petitioners before the Mediation and Conciliation Centre of this Court on 27.01.2017. She stated that all pending cases between the parties shall be withdrawn and none of them would involve each other in any further litigation, complaint etc. Petition under Section 13B of the Hindu Marriage Act, 1955 was stated to have been filed. Respondent No.2

admitted to have received a sum of ₹3,50,000/- by way of a demand draft at the time of recording of the statements at first motion before the learned Family Court, Sonapat. She further stated that she would withdraw the petition under Section 125 Cr.P.C. and the complaint under the Protection of Women from Domestic Violence Act, 2005 after the passing of the decree of divorce. She categorically stated that she has no objection in case the FIR is quashed after the passing of decree of divorce. Settlement, it is stated, has been arrived at by her out of her own free will, without any force, fraud or coercion. It is accepted by respondent No.2 that the amount of ₹7,00,000/- as agreed, would be the full and final settlement of all her claims qua the petitioners. Joint statement of the petitioners in respect to the settlement was recorded as well.

As per report dated 07.04.2017 received from the learned Judicial Magistrate First Class, Sonapat it is opined that the compromise between the parties is genuine and voluntary, arrived at without any pressure or coercion. None of the petitioners are reported to be proclaimed offenders. Statements of the parties are appended alongwith the said report.

Learned counsel for the parties submit that all proceedings initiated by the parties against each other have since been withdrawn/settled. Decree of divorce has been granted by the learned Family Court, Sonapat on 11.08.2017.

Learned counsel for respondent No.2 reaffirms and verifies the abovesaid position. It is further affirmed that the entire settled amount has since been received by respondent No.2 and she has 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 in view of the compromise arrived at between the parties. FIR No. 36 dated 13.06.2016 under Sections 498A/406/506/377/34 IPC registered at Police Station Women Police, District Sonapat alongwith all consequential proceedings are, hereby, quashed.

August 17, 2017.
'om'

(**LISA GILL**)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No