

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

CRM-M- 37169 of 2016

Date of decision: 14.02.2017

Deepak Kumar Arora and another

..... Petitioners.

Versus

State of Haryana and another

..... Respondents.

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Gourav Jain, Advocate for the petitioners.

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

Mr. Munfaid Khan, Advocate, for respondent No.2.

LISA GILL, J.

This petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of FIR No. 514 dated 10.12.2013 registered under Sections 498-A, 46, 323,506, 120-B, 148 and 149 of the Indian Penal Code (for short 'IPC') at Police Station City Tohana, District Fatehabad and all other consequential proceedings arising therefrom on the basis of an amicable settlement arrived at between the parties.

The above said FIR has been registered on a complaint preferred by respondent No. 2 alleging commission of offences under Sections 498-A, 46,323,506,120-B,148 and 149 IPC qua the petitioners.

Petitioner No. 1 and respondent No.2 are husband and wife. The dispute arose due to matrimonial discord between the parties. Due to the intervention of respectables and family friends, a compromise has been arrived at between the parties, the terms and conditions of which were reduced into writing on 01.10.2016 (Annexure P-2). Petitioner No. 1 and respondent No. 2 are residing together. There are two children born out of

this wedlock. The parties wish to live in peace and harmony and put an end to the acrimony between them. Present petition has been filed on the basis of this compromise.

This Court on 26.10.2016 had directed the parties to appear before learned trial court on 14.12.2016 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 and to intimate regarding pendency of any proclamation proceedings against the party.

Pursuant to order dated 26.10.2016, the parties appeared before the learned trial court and their statements in respect to the compromise were recorded on 20.12.2016. Smt. Ranjna (respondent No.2) has stated that she has amicably settled the dispute with all the accused petitioners. The settlement has been arrived at out of her own free will and volition, without any kind of threat, pressure or coercion. She further stated that she is ready to live with petitioner- Deepak Kumar. Respondent No. 2 has further stated that she does not bear any grudge against any of the petitioners. All of them would live together in a peaceful manner. She does not wish to continue with the proceedings and has no objection to the quashing of the above mentioned FIR against all the accused petitioners including her mother-in-law-Smt. Ranrani (respondent No.2). Statement of petitioner No.1- Deepak was also recorded.

As per report dated 19.01.2017 submitted by the learned Judicial Magistrate 1st Class, Tohana it is noted that personal appearance of petitioner No.2- Rajrani had been exempted vide order dated 28.10.2014. She could not appear before the trial Court due to health concerns. As per above said report dated 19.01.2017, it is observed that the compromise between the parties has been arrived at out of the free will and volition of the parties, without any

pressure or fear. The compromise is opined to be genuine. Statements of petitioner No. 1 and respondent No.2 as well as statement of ASI Suresh, Police Station City, Tohana stating that none of the accused are absconding or proclaimed offenders is also attached along with the report.

Learned counsel for respondent No.2 affirms and verifies the factum of settlement between the parties. It is reiterated that respondent No. 2 does not wish to continue the proceedings against either of the two petitioners and has no objection to the quashing of above mentioned FIR against both the petitioners. Respondent No. 2, it is stated, is living together with her husband (petitioner No.1) since the date of compromise.

Learned counsel for the State, on instructions from SI Ramji Lal, Police Station City Tohana, District Fatehabad submits that the present being a matrimonial dispute the State has no objection to the quashing of this FIR on the basis of the 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”.

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 and FIR No. 514 dated 10.12.2013 registered under Sections 498-A,46,323,506,120-B,148 and 149 IPC at Police Station City Tohana, District Fatehabad alongwith all consequential proceedings arising therefrom are hereby quashed.

(LISA GILL)
JUDGE

14.02.2017

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Whether speaking/reasoned : *Yes/No.*

Whether reportable : *Yes/No.*