

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

CRM No. M-37580 of 2016

Date of decision: 22.02.2017

Pala Ram and another

..... Petitioners.

Versus

State of Haryana and another

..... Respondents.

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Deepak Jain, Advocate, for
Mr. Deepak Choudhary, Advocate for the petitioners.

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

Ms. Minakshi Poswal, 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. 220 dated 09.10.2013 (Annexure P-1) registered under Sections 323,498-A,506,34 of the Indian Penal Code (for short 'IPC') at Police Station Sadar Dabwali, District Sirsa and all other consequential proceedings arising therefrom on the basis of an amicable settlement arrived at between the parties.

The above said FIR was registered on the basis of a complaint submitted by respondent No. 2- Smt. Santosh, who was married to petitioner No.1- Pala Ram, alleging commission of offences under Sections 323, 498-A,506,34 IPC qua the petitioners.

The above said FIR arises out of matrimonial discord between petitioner No. 1 and respondent No.2. Due to the intervention of respectables, elders and friends, a compromise has been arrived at between the parties. The parties wish to live in peace and harmony and put an end to the acrimony between them. A petition under Section 13-B of the Hindu Marriage Act, for divorce by mutual consent, was filed by petitioner No. 1

and respondent No.2. The said petition has since been allowed by the learned Additional District Judge, Sirsa vide order dated 18.07.2016 (Annexure P-4).

This Court on 23.11.2016 had directed the parties to appear before learned Illaqa Magistrate/trial court on 01.12.2016 for getting their statements recorded in respect to the above-mentioned compromise. Learned trial court/Illaqa Magistrate 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 23.11.2016, the parties appeared before the learned Judicial Magistrate 1st Class, Dabwali and their statements were recorded on 01.12.2016. Respondent No.2- Smt. Santosh stated that she has settled the matter amicably with the accused-petitioners on the intervention of respectables and relatives. It is stated that she arrived at the settlement out of her own free will and volition, without any kind of pressure, coercion or undue influence. Divorce has been granted to her and her husband (petitioner No.1). She has no objection in case the above said FIR is quashed against both the petitioners. Statements of the petitioners were also record.

As per report dated 03.12.2016 submitted by the learned Judicial Magistrate 1st Class, Dabwali, it is noted that the compromise arrived at between the parties is genuine, voluntary, without any coercion or undue influence. It is also noted that the petitioners are not proclaimed offenders and no other case is pending against them. Photocopies of statements of the parties are appended alongwith the report.

Learned counsel for the complainant/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 Umed Singh, Police Station Sadar Dabwali, District Sirsar, 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. 220 dated 09.10.2013 registered under Sections 323,498-A,506,34 IPC at Police Station Sadar Dabwali, District Sirsa alongwith all consequential proceedings arising therefrom are hereby quashed.

22.02.2017
PA

(LISA GILL)
JUDGE

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.