

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

**CRM No. M-37902 of 2016
Date of decision: 06.04.2017**

Ankur Saxena

..... Petitioner.

Versus

State of Haryana and another

..... Respondents.

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Gopal Krishan Saini, Advocate, for the petitioner.

Mr. Sanjay K. Saini, AAG, Haryana.

Ms. Shweta Nahata, 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. 116 dated 08.04.2015 (**Annexure P-1**) registered under Sections 406,498-A,377,323 and 506 of the Indian Penal Code (for short 'IPC') at Police Station Sector 31, Faridabad, Haryana and all other consequential proceedings arising therefrom on the basis of an amicable settlement arrived at between the parties before the Mediation and Conciliation Centre of this Court on 05.02.2016 (**Annexure P-2**).

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

The settlement has been arrived at between the parties before the Mediation and Conciliation of this Court. The petitioner and respondent No.2 have decided to part ways. The terms and conditions of the

compromise are mentioned in the settlement agreement dated 05.02.2016, which is on record of this petition as Annexure P-2.

This Court on 22.02.2017 directed the parties to appear before the learned trial Court on 27.02.2016 for recording their statements 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 directed to intimate whether the petitioner is a 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 22.02.2017, the parties appeared before the learned Judicial Magistrate 1st Class, Faridabad and their statements were recorded on 27.02.2017. Respondent No.2-Smt. Princy has stated that she has amicably resolved the matter with the petitioner. The settlement has been arrived at out of her own free will, volition, without any fear, pressure or inducement. It is stated that she has received a draft dated 03.12.2016 for a sum of Rs. 6 lakhs. Petition under Section 13- B of the Hindu Marriage Act, filed by her and her husband-petitioner has been allowed on 12.09.2016. It is stated by respondent No. 2 that she has no objection in case the above mentioned FIR against the petitioner is quashed. Statement of the petitioner in respect to the settlement was recorded.

As per report dated 02.03.2017, submitted by the learned Judicial Magistrate 1st Class, Faridabad, it is opined that the compromise between the parties is genuine, arrived at voluntarily, without any fear or pressure. It is

noted that the petitioner is the sole accused in this case and he is not a proclaimed offender and neither is involved in any other case.

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, whatsoever, to the quashing of the above mentioned FIR qua the petitioner.

Learned counsel for the State on instructions from ASI Panna Lal, Police Station Sector 31, Faridabad 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.

This petition is, thus, allowed and FIR No. 116 dated 08.04.2015 registered under Sections 406,498-A,377,323 and 506 of the IPC at Police

(261)

CRM No. M-37902 of 2016

-4-

Station Sector 31, Faridabad alongwith all consequential proceedings arising therefrom are hereby quashed.

(LISA GILL)
JUDGE

06.04.2017

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Whether speaking/reasoned : *Yes/No.*

Whether reportable : *Yes/No.*