

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

CRM-M-37288-2015

Date of decision: 20.02.2017

Gurmeet Singh and others

..... Petitioners

Versus

State of Haryana and another

..... Respondents

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Kamal Chaudhary, Advocate,
for the petitioners.

Mr. Sanjay K. Saini, Assistant Advocate General, Haryana,
for respondent No.1.

Mr. Gaurav Singla, Advocate,
for respondent No.2.

LISA GILL, J. (ORAL)

1. This petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of FIR No.142 dated 30.05.2013 registered under Sections 406, 498-A, 323 and 34 of the Indian Penal Code (for short 'IPC') at Police Station Chandi Mandir, Panchkula, and all other consequential proceedings arising therefrom on the basis of an amicable settlement arrived at between the parties.

2. The dispute has arisen because of matrimonial discord between respondent No.2 and her husband-Paramjit Singh. The petitioners herein are the brother-in-law, father-in-law and mother-in-law of respondent No.2.

3. The above said FIR has already been quashed qua Paramjit Singh, husband of respondent No.2, on the basis of a settlement arrived at between the parties by this Court vide order dated 23.09.2015 passed in Criminal Miscellaneous No.29056 of 2015. A copy of the said order has

been produced in Court and the same is taken on record subject to just

exceptions. Respondent No.2-Saroj Kaur had earlier submitted an affidavit dated 31.07.2015 in CRM-M-29056 of 2015 in respect of the settlement arrived at between the parties. A photocopy of the said affidavit has been produced in Court today. The same is taken on record, subject to just exceptions.

4. It is submitted that due to the intervention of respectables, elders and friends, a compromise was arrived at between the parties and the parties wish to live in peace and harmony and put an end to the acrimony between them.

5. Pursuant to order dated 22.11.2016, the parties appeared before the learned Judicial Magistrate Ist Class, Panchkula, on 09.12.2016. Respondent No.2 stated that she has amicably settled the matter with all the accused persons. The settlement has been arrived at out of her own free will and volition, without any pressure or coercion and all kinds of misunderstandings between them have been removed. It is further stated that she does not wish to continue with the criminal proceedings and has no objection if the above-said FIR against all the petitioners is quashed. Joint statement of the petitioners was recorded as well.

6. As per report dated 13.12.2016 submitted by the learned Judicial Magistrate Ist Class, Panchkula, it is noted that statements have been suffered by the parties out of their own free will and volition. None of the petitioners is a proclaimed offender.

7. Learned counsel for respondent No.2/complainant verifies and affirms the factum of settlement between the parties. It is stated that respondent No. 2 has no objection to the quashing of above mentioned FIR.

8. Learned counsel for the State, on instructions from SI Pawan Kumar, Police Station Chandi Mandir, 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.

9. 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”.

10. In view of the above, it would be in the interest of justice to quash the above-said 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.

11. This petition is, thus, allowed and FIR No.142 dated 30.05.2013 registered under Sections 406, 498-A, 323 and 34 IPC at Police Station Chandi Mandir, Panchkula, and all other consequential proceedings arising therefrom are, hereby, quashed.

(LISA GILL)
JUDGE

20.02.2017
adhikari

Whether speaking/reasoned : *Yes/No.*

Whether reportable : *Yes/No.*