

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

Crl. Misc. No. M- 3761 of 2017(O&M)

Date of Decision: April 19 , 2017.

Baldev Singh and others PETITIONER(s)

Versus

State of Haryana and another RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Surinder Singh Walia, Advocate
for the petitioners.

Mr. Sanjay K.Saini, AAG, Haryana.

Mr. Sahil Singh Chauhan, Advocate
for respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.230 dated 07.11.2013 under Sections 323/406/498A/114/295A/506/120B IPC registered at Police Station Ambala Sadar and all other consequential proceedings arising therefrom on the basis of a compromise (Annexure P2) arrived at between the parties.

The abovesaid FIR was registered at the behest of respondent No.2 on account of matrimonial discord between petitioner No.2 and respondent No.2. With the intervention of respectables and relatives, a compromise has been arrived at between the parties, the terms of which were reduced in writing

on 08.12.2016. The parties wish to live in peace and harmony and put an end to the acrimony between them. The present petition has been filed on the basis of this compromise.

This Court on 23.02.2017 directed the parties to appear before learned trial court/Illaqa Magistrate on 04.03.2017 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, 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 also sought as to whether all affected persons are a party to the settlement.

Pursuant to order dated 23.02.2017, the parties appeared before the learned Additional Chief Judicial Magistrate, Ambala and their statements were recorded on 04.03.2017. Respondent No.2 has stated that she has amicably resolved the matter with the accused-petitioners. Settlement has been arrived at out of her own free will without any kind of pressure or coercion. Respondent No.2 has stated that she has no objection to the quashing of the abovesaid FIR qua the petitioners. It is stated that she has suffered the statement without any kind of pressure. A joint statement of all the accused-petitioners was also recorded.

As per report dated 04.03.2017 received from the learned Additional Chief Judicial Magistrate, Ambala it is opined that the compromise

between the parties is genuine, voluntary and arrived at out of the free will of the parties without any kind of pressure or coercion. The petitioners are not proclaimed offenders neither any such proceedings are pending against them. The statements of the parties have been appended alongwith the said report.

Learned counsel for respondent No.2 reaffirms and verifies the factum of settlement between the parties. It is reiterated that respondent No.2 has no objection to the quashing of the abovementioned FIR against all the petitioners.

Learned counsel for the State, on instructions from SI Hoshiar Singh, Police Station Sadar Ambala, 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 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.230 dated 07.11.2013 under Sections 323/406/498A/114/295A/506/120B IPC registered at Police Station Ambala Sadar alongwith all consequential proceedings are, hereby, quashed.

April 19 , 2017.
'om'

(LISA GILL)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No