

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

**Criminal Misc. No. M- 39128 of 2016  
Date of Decision : January 16, 2017**

**Yogesh Mehlawat and others ..... Petitioners**

**VERSUS**

**State of Haryana and another ..... Respondents**

**CORAM : HON'BLE MRS. JUSTICE LISA GILL**

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

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Present: Mr. A.K.Jindal, Advocate  
for the petitioners.

Mr. Sanjay K. Saini, AAG, Haryana,  
for the State/respondent No.1.

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

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**LISA GILL, J. (Oral)**

1. Prayer in this petition is for quashing of FIR No. 5 dated 4.9.2015 under Sections 313, 377, 498-A, 406, 34, 323 IPC registered at Women Police Station Gurgaon as well as subsequent proceedings arising therefrom. The said FIR was registered on the basis of the statement of Pinki. Offences under Sections 313 and 377 IPC were deleted later on during investigation and Section 406 IPC was added.

2. The quashing of the above said FIR is sought on the basis of a

settlement dated 27.5.2016 (Annexure P-3) which has been arrived at between the petitioners and respondent No.2. Due to intervention of respectables the dispute between them has been resolved amicably and respondent No.2 has no objection to the quashing of this FIR.

3. It is submitted that pursuant to order dated 4.11.2016 passed by this Court the parties appeared before the learned Judicial Magistrate 1<sup>st</sup> Class, Gurgaon, on 18.11.2016. Their statements have been recorded with regard to the settlement arrived at between the parties. Respondent No.2-Pinki has stated before the Judicial Magistrate 1<sup>st</sup> Class, Gurgaon, that the matter has been settled with the petitioners due to intervention of respectable members of the society and relatives. The settlement has been arrived at out of her own free will, without any undue influence. As there is no ill-will between the parties she has no objection in case the said FIR against the petitioners is quashed. Statement of the petitioners was also recorded, photocopies of which are attached along with the report dated 28.11.2016 of the learned Judicial Magistrate 1<sup>st</sup> Class, Gurgaon. As per the said report the compromise between the parties is stated to be voluntary and without any fear, coercion or undue influence. None of the parties are proclaimed offenders neither any such proceedings are pending against them.

4. It is informed that the parties have filed a petition under Section 13-B of the Hindu Marriage Act.

5. Learned counsel for respondent No.2 affirms and verifies the factum of settlement arrived at between the parties. He states that respondent No.2 has no objection whatsoever to the quashing of this FIR. She does not wish to pursue any proceedings arising from this FIR against the petitioners.

6. Learned counsel for the State, on instructions from ASI Sajjag Singh,

P.S.W. Gurugram, submits that present being a matrimonial dispute, the State does not have any objection to the quashing of the FIR on the basis of a settlement between the parties.

7. In ***Kulwinder Singh and others v. 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.”*

8. 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 precious time of the court and would be an exercise in futility.

9. This petition is, thus, allowed and FIR No. 5 dated 4.9.2015 under Sections 498-A, 406, 34, 323 IPC registered at Women Police Station Gurgaon alongwith all consequential proceedings are, hereby, quashed.

16.1.2017  
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( LISA GILL )  
JUDGE

**Note:** Whether speaking/reasoned

Yes / No

Whether Reportable:

Yes / No