

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

Criminal Misc. No.M- 38381 of 2017 (O&M)

Date of decision : November 20, 2017

Gajraj Singh

.....Petitioner

Versus

State of Haryana and another

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Brijender Kaushik, Advocate for the petitioner.

Mr. Anmol Malik, AAG, Haryana.

Mr. Rahul Vats, Advocate for respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No. 11 dated 01.02.2016 under Sections 323, 498A, 506, 34 IPC registered at Police Station Women, Narnaul and all other consequential proceedings arising therefrom on the basis of a compromise arrived at between the parties before the Mediation and Conciliation Centre, Narnaul (Annexure P-2).

The abovesaid FIR was registered at the instance of respondent No.2 due to matrimonial discord with her husband - petitioner. It is informed that the petitioner and respondent No. 2 have decided to bury the hatchet. They have resumed matrimonial ties and are living together at the matrimonial home alongwith their minor daughter. The present petition has been filed on the basis of this compromise.

This Court on 12.10.2017 directed the parties to appear before learned trial court/Illaqa Magistrate for recording their statements 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 effected between the parties without

any undue influence or coercion.

Pursuant to order dated 12.10.2017, the parties appeared before the learned Judicial Magistrate First Class, Narnaul and their statements were recorded on 06.11.2017. A joint statement of the petitioner as well as respondent No. 2 was recorded to the effect that the matter has been amicably resolved. The compromise has been arrived at out of their own free will, volition and without any pressure. It is affirmed by both the parties that the matrimonial discord has been settled and both of them are residing together peacefully. Respondent No.2 stated that she has no objection to the quashing of the abovesaid FIR qua the petitioner.

As per report dated 06.11.2017, satisfaction has been expressed by learned Judicial Magistrate First Class, Narnaul that the matter has been settled between the parties out of their own free will, voluntarily, without any pressure, undue influence or coercion. The petitioner is not reported to be a proclaimed offender. Joint statement of the parties is 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 is living in her matrimonial home with the petitioner and she has no objection to the quashing of the abovementioned FIR subject to strict adherence to the terms and conditions of the settlement by the petitioner.

Learned counsel for the State, on instructions from ASI Sarika, 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 merely lead to wastage of precious time of the court and would be an exercise in futility.

This petition is, thus, allowed and FIR No. 11 dated 01.02.2016 under Sections 323, 498A, 506, 34 IPC registered at Police Station Women, Narnaul alongwith all consequential proceedings are, hereby, quashed.

However, liberty is afforded to respondent No.2 to file necessary application for revival of the proceedings in the above said FIR, in case the terms and conditions of settlement between the parties are not adhered to by the petitioner(s) or it is found that the settlement was a mere ruse to have the aforesaid FIR quashed.

(Lisa Gill)
Judge

November 20, 2017
rts

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