

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

Criminal Misc. M- No. 39278 of 2015 (O&M)

Date of decision : August 24, 2017

Atul Kansal and others

.....Petitioners

Versus

State of Haryana and another

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Jagjot Singh, Advocate for the petitioners.

Mr. Sandeep Vashisht, DAG, Haryana.

Mr. Tanmoy Gupta, Advocate
for respondent No.2.

LISA GILL, J.

This petition was initially filed for quashing of FIR No. 179 dated 30.03.2009 under Sections 498A, 406 IPC registered at Police Station Faridabad Central, Haryana and all other consequential proceedings arising therefrom on the merits of the case. However, during the pendency of this petition, the matter has been amicably resolved. This is so reflected in order dated 02.02.2016 passed by this Court. It is informed by learned counsel for the parties that thereafter petition under Section 13B of the Hindu Marriage Act, 1955 filed by them has since been allowed.

This Court on 01.06.2017 directed the parties to appear before learned Illaqa Magistrate/trial Court for recording their statements in respect to the above-mentioned compromise. Learned Illaqa Magistrate/trial Court

was directed to submit a report regarding the genuineness of the

compromise, as to whether it has been arrived at voluntarily, without any coercion or undue influence. Learned Illaqa Magistrate/trial Court was also directed to intimate whether any of the accused are proclaimed offenders. Information was sought regarding number of persons arrayed as accused.

Pursuant to order dated 01.06.2017, the parties appeared before the learned Judicial Magistrate First Class, Faridabad and their statements were recorded on 17.07.2017. Respondent No.2 stated that settlement has been arrived at out of her own free will, without any coercion, misrepresentation or fraud. It is further stated by her that divorce by mutual consent has been granted to her. It is categorically stated by respondent No. 2 that she has no objection to the quashing of the abovesaid FIR qua all the accused petitioners. A joint statement of all the four petitioners in respect to the compromise was also recorded.

As per report dated 18.07.2017 received from the learned Civil Judge (Junior Division)-cum-Judicial Magistrate First Class, Faridabad, it is opined that the compromise between the parties is genuine, voluntary, arrived at out of their own free will and without any pressure. None of the petitioners are reported to be a proclaimed offender. Statements of the parties are 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 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. 179 dated 30.03.2009 under Sections 498A, 406 IPC registered at Police Station Faridabad Central, Haryana alongwith all consequential proceedings are, hereby, quashed.

August 24, 2017
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No