

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

**CRM No. M-41654 of 2016  
Date of decision: 15.03.2017**

**Pankaj and others**

**..... Petitioners.**

**Versus**

**State of Haryana and another**

**..... Respondents.**

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

Present: Mr. Aman Dhir, Advocate, for the petitioners.

Mr. Sanjay K. Saini, AAG, Haryana.

Mr. Varun Jain, Advocate, for respondent No.2.

**LISA GILL, J.**

This petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of FIR No. 139 dated 08.04.2016 (**Annexure P-1**) registered under Sections 323,354,377,406,498-A and 506 of the Indian Penal Code (for short 'IPC') at Police Station City Bahadurgarh, District Jhajjar and all other consequential proceedings arising therefrom on the basis of an amicable settlement arrived at between the parties.

The above said FIR was registered on the basis of an application submitted by respondent No. 2-Smt. Priyanka. The dispute arose between the parties because of matrimonial discord between petitioner No. 1- Pankaj and respondent No.2- Priyanka.

With the intervention of respectables, elders and relatives, the matter has been amicably resolved between the parties. Petitioner No.1 and respondent No.2 have decided to part ways. It is submitted that a petition under Section 13-B of the Hindu Marriage Act filed by petitioner No.1 and

respondent No.2 has since been allowed on 08.02.2017. The terms and conditions of the settlement find mention in the joint statement of the parties recorded on 05.08.2016 in the proceedings under Section 13-B of the Hindu Marriage Act.

This Court on 20.02.2017 directed the parties to appear before the learned Illaqa Magistrate/trial Court on 28.02.2017 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 arrived at out of the free will and volition of the parties without any coercion, fear or undue influence. Learned Illaqa Magistrate/trial court was directed to intimate whether the petitioners are proclaimed offenders and whether any other case is pending against them. Information was sought as to whether all affected persons are party to the settlement.

Pursuant to order dated 20.02.2017, the parties appeared before the learned Sub Divisional Judicial Magistrate, Bahadurgarh and their statements were recorded on 04.03.2017. Respondent No.2-Smt. Priyanka has stated that the matter has been amicably resolved. She has obtained divorce from her husband (petitioner No.1). It is further stated that she does not wish to continue with the present proceedings and has no objection to the quashing of the above said FIR against all the accused. Statement of all the petitioners in respect to the settlement was recorded.

As per report dated 06.03.2017, submitted by the learned Sub Divisional Judicial Magistrate, Bahadurgarh, it is opined that the compromise arrived at between the parties is genuine, arrived at out of their own free will.

There are six accused in this case i.e. all the petitioners. None of them have

been declared to be proclaimed offenders and neither are any such proceedings pending against them.

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

Learned counsel for the State on instructions from ASI Neelam submits that the present being a matrimonial dispute, the State has no objection to the quashing of this FIR on the basis of a settlement 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.

In view of the above, it would be in the interest of justice to quash the abovesaid 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.

This petition is, thus, allowed and FIR No. 139 dated 08.04.2016 registered under Sections 323,354,377,406,498-A and 506 of the IPC at

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Police Station City Bahadurgarh, District Jhajjar alongwith all consequential proceedings arising therefrom are hereby quashed.

(LISA GILL)  
JUDGE

15.03.2017

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*Whether speaking/reasoned* : *Yes/No.*

*Whether reportable* : *Yes/No.*