

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

**Criminal Misc. No.M-41798-2016
Date of Decision : January 27, 2017**

Parvinder Singh Petitioner

Versus

State of Haryana and another Respondents

Criminal Misc. No. M- 39854 of 2016

Avtar Singh 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. T.P.Singh, Advocate
for the petitioners.

Mr. Ramesh Kumar, AAG, Haryana,
for the State/respondent No.1.

Mr. Gagandeep Singh, Advocate for
Mr. A.S.Manaise, Advocate
for respondent No.2.

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LISA GILL, J. (Oral)

1. This order shall dispose of CRM-M-41798 of 2016 and CRM-M-39854 of 2016 as both the petitions arise out of the same FIR and

both the petitions is for quashing of FIR No. 201 dated 20.07.2015 under Sections 498A, 406, 323, 506 IPC registered at Police Station Naraingarh, District Ambala (Annexure P1) as well as consequential proceedings on the basis of a settlement dated 31.8.2015 (Annexure P-6 in CRM-M-41798 of 2016) arrived at between the complainant Narinder Kaur and her husband. CRM-M-39854 of 2016 was filed on behalf of Avtar Singh (father-in-law), Kuldeep Kaur (mother-in-law) and Parvinder Singh (husband) of the complainant. The said petition was withdrawn qua Parvinder Singh on 8.11.2016 with liberty to file afresh with better particulars. Subsequently, CRM-41798-2016 was filed for quashing of the abovesaid FIR by Parvinder Singh. For the sake of convenience, facts have been extracted from CRM-M-41798 of 2016.

2. The abovesaid FIR was registered on the basis of a complaint submitted by respondent No.2-Narinder Kaur. The FIR was the outcome of a matrimonial discord between Parvinder Singh and respondent No.2. Due to intervention of respectables the dispute between the petitioner and respondent No.2 has been resolved amicably. The terms and conditions of the settlement were reduced into writing on 31.8.2015. Respondent No.2 and her husband Parvinder Singh have decided to part ways. A petition filed by them under Section 13-B of the Hindu Marriage Act, 1955 has been allowed on 10.11.2016.

3. Pursuant to order dated 14.12.2016 passed by this Court in both the petitions the parties appeared before the Sub Divisional Judicial Magistrate, Naraingarh, on 23.12.2016. Their statements were recorded with regard to the settlement arrived at between the parties. Respondent No.2-Narinder Kaur stated before the Sub Divisional Judicial Magistrate,

Naraingarh that she has amicably settled the matter with all the accused persons. The petition under Section 13-B of the Hindu Marriage Act has also been allowed on 10.11.2016. The settlement has been arrived at out of her own free will, without any coercion or pressure. Respondent No.2 has further submitted that she does not wish to proceed with the present criminal proceedings against any of the accused petitioners and she has no objection in case the said FIR against all of them is quashed. Joint statement of all the petitioners was recorded in respect to the settlement. Photocopies of the statements are attached along with the report dated 4.1.2017 of the learned Sub Divisional Judicial Magistrate, Naraingarh.

4. As per report dated 04.01.2017 by the Sub Divisional Judicial Magistrate, Naraingarh, it is mentioned that the compromise between the parties appears to be genuine and arrived at out of their own free will and volition, without any pressure or coercion.

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 qua ll the petitioners in both the cases.

6. Learned counsel for the State, on instructions from ASI Dharamvir, Police Station Naraingarh, 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. 201 dated 20.07.2015 under Sections 498A, 406, 323, 506 IPC registered at Police Station Naraingarh, District Ambala (Annexure P1) alongwith all consequential proceedings are, hereby, quashed.

27.1.2017
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(LISA GILL)
JUDGE

Note: Whether speaking/reasoned

Yes / No

Whether Reportable:

Yes / No