

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

**CRM No. M-42132 of 2016
Date of decision: 27.03.2017**

Deepak

..... Petitioner.

Versus

State of Haryana and another

..... Respondents.

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Ravi Kherwa, Advocate, for the petitioner.

Mr. Sanjay K. Saini, A.A.G., Haryana.

Mr. Durgesh Aggarwal, 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. 21 dated 09.12.2015 (**Annexure P-1**) registered under Sections 406,498-A and 377 of the Indian Penal Code (for short 'IPC') at Police Station Women, Panchkula and all other consequential proceedings arising therefrom on the basis of an amicable settlement arrived at between the parties.

The above said FIR is a fall out of matrimonial discord between respondent No. 2- Pooja and petitioner-Deepak. With the intervention of respectables, elders and relatives, the matter has been amicably resolved between the parties. It is informed that a petition under Section 13- B of the Hindu Marriage Act, 1955 filed by the parties has since been allowed on 16.03.2017.

There were five accused in the above mentioned FIR. Four of them were found innocent and petitioner -Deepak alone was proceeded against. This petition was dismissed as withdrawn qua petitioners No. 2 to 5

on 09.02.2017.

This Court on 09.02.2017 directed the parties to appear before the learned trial Court on 28.02.2017 for recording their statements in respect to the above-mentioned compromise. Learned trial court 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 trial court was directed to intimate whether the petitioner is a proclaimed offender and whether any other case is pending against him.

Pursuant to order dated 09.02.2017, the parties appeared before the learned Additional Chief Judicial Magistrate, Panchkula and their statements were recorded on 02.03.2017. Respondent No.2-Smt. Pooja has stated that the matter has been amicably resolved with her husband. The terms and conditions of the compromise were reduced into writing on 08.09.2016. The settlement has been arrived at out of her own free will without any fear, apprehension, threat, coercion or undue influence. Respondent No. 2 has stated that she has no objection to the quashing of the aforementioned FIR against her husband i.e the petitioner-Deepak Goyal. The other four accused persons have already been found innocent during investigation. She further stated that the parties have decided to part ways. Statement of the petitioner in respect to the settlement was recorded.

As per report dated 03.03.2017, submitted by the learned Additional Chief Judicial Magistrate, Panchkula, it is opined that the compromise between the parties is genuine, voluntary and arrived at out of their own free will, without any fear, apprehension, threat, coercion or undue influence. The petitioner is not a proclaimed offender neither any such proceedings are pending against him.

Learned counsel for the complainant/respondent No.2 reaffirms 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 the petitioner.

Learned counsel for the State on instructions from ASI Satiso, Police Station Women, Sector 5, Panchkula 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 continuance of the present proceedings. It will only lead to wastage of precious time of the court and would be an exercise in futility.

This petition is, thus, allowed and FIR No. 21 dated 09.12.2015 (**Annexure P-1**) registered under Sections 406,498-A and 377 of the Indian

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Penal Code (for short 'IPC') at Police Station Women, Panchkula alongwith all consequential proceedings arising therefrom are hereby quashed.

(LISA GILL)
JUDGE

27.03.2017

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Whether speaking/reasoned : *Yes/No.*

Whether reportable : *Yes/No.*