

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

**CRM No. M-42416 of 2016
Date of decision: 13.02.2017**

Pavitar Rajeha and others

..... Petitioners.

Versus

State of Haryana and another

..... Respondents.

CORAM: HON'BLE MS. JUSTICE LISA GILL

Present: Mr. Raman B. Garg, Advocate, with
Ms. Gitanjali, Advocate, for the petitioners.

Mr. Sanjay K. Saini, Assistant Advocate General, Haryan.

Mr. Amit Chaudhary, 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. 23 dated 01.10.2015 registered under Sections 406,498-A, 506, 34 of the Indian Penal Code (for short 'IPC') at Police Station Women Police Station, Rohtak (Annexure P-1) and all other consequential proceedings arising therefrom on the basis of an amicable settlement (Annexure P-2) arrived at between the parties.

The above said FIR has been registered on account of a complaint by Smt. Jyoti - respondent No. 2 alleging commission of offences under Sections 406,498-A, 506,34 IPC qua the petitioners.

Due to the intervention of respectables and relatives, the matter has been amicably resolved, the terms of which have been reduced into writing on 22.10.2016 (Annexure P-2). The parties wish to live in peace and harmony and put an end to the acrimony between them. Present petition has been filed on the basis of this compromise.

This FIR arises out of a matrimonial discord between petitioner No.1 and respondent No.2, which has since been amicably resolved vide the abovementioned compromise/settlement.

This Court on 23.12.2016 had directed the parties to appear before learned Illaqa Magistrate/trial court on 07.01.2017 for getting their statements recorded 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 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 petitioners are proclaimed offender and whether any other case is pending against them. Information was sought as to whether all affected persons are party to the settlement and the stage of trial/proceedings.

Pursuant to order dated 23.12.2016, the parties appeared before the learned trial court and their statements were recorded on 07.01.2017. Smt. Jyoti (respondent No.2) stated that she has entered into settlement with all the accused persons out of her own free will and volition, without any pressure or coercion. She has received a sum of ₹ 2 lakhs vide a demand draft dated 28.11.2016. She has further stated that she does not want to continue the present proceedings against the petitioners and has no objection to the quashing of this FIR. Joint statement of the petitioners was also recorded.

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 to the quashing of above mentioned FIR.

As per report dated 11.01.2017 by the learned Judicial Magistrate 1st Class, Rohtak it is noted that the compromise arrived at between

the parties is voluntarily and out of their own free will without any coercion or undue influence. It is further observed that the compromise seems to be genuine. Statements of the parties as well as the report of the Ahlmad stating that none of the accused are absconding or proclaimed offenders is also attached along with the report.

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 to the quashing of above mentioned FIR.

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

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. 23 dated 01.10.2015 registered under Sections 406,498-A, 506, 34 IPC at Police Station Women

Police Station, Rohtak alongwith all consequential proceedings arising therefrom are hereby quashed.

(LISA GILL)
JUDGE

13.02.2017

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Whether speaking/reasoned : *Yes/No.*

Whether reportable : *Yes/No.*