

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

**CRM No. M-43141 of 2016
Date of decision: 27.02.2017**

Vikas Nasa and others

..... Petitioners.

Versus

State of Haryana and another

..... Respondents.

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Vinod Rao, Advocate for the petitioners.

Mr. R.K. Doon, AAG, Haryana.

Ms. Bhavna Grewal, 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. 971 dated 15.11.2014 registered under Sections 498-A, 377,323,406,34 of the Indian Penal Code (for short 'IPC') at Police Station Civil Lines, Gurgaon 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 statement of respondent No.2-Smt. Yogita who was married to petitioner No.1- Vikas Nasa alleging commission of offences under Sections 498-A, 377,323,406,34 IPC qua the petitioners.

The above said FIR arises out of matrimonial discord between petitioner No. 1 and respondent No.2. Due to the intervention of respectables, elders and friends, a compromise has been arrived at between the parties. 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.

It is submitted that the parties have decided to part ways. A petition under Section 13-B of the Hindu Marriage Act for divorce by mutual consent was filed by petitioner No.1 and respondent No. 2. The said petition has been allowed on 09.02.2017.

This Court on 02.12.2016 had directed the parties to appear before the learned trial court/Illaq Magistrate on 23.01.2017 for getting their statements recorded in respect to the above-mentioned compromise. Learned trial court/Illaq Magistrate was directed to intimate whether any of 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 02.12.2016, the parties appeared before the learned Judicial Magistrate 1st Class, Gurugram and their statements were recorded on 27.01.2017. Respondent No.2-Smt. Yogita has stated that the above said FIR was registered against the petitioners on account of matrimonial discord between her and her husband. The matter has been amicably resolved between the parties. A petition under Section 13-B of the Hindu Marriage Act was filed by her and petitioner No.1. The custody of the minor child has been decided to be with respondent No. 2. Petitioner No.1 or his family members would not claim the child's custody in future. Respondent No. 2 has submitted that she has no objection to the quashing of above said FIR in view of the settlement arrived at between the parties. Joint statement of all the petitioners in respect to the settlement was also recorded.

As per report dated 30.01.2017 submitted by the learned Judicial Magistrate 1st Class, Gurgaon, it is noted that the compromise arrived at between the parties is voluntary and arrived at without any kind of fear, coercion or undue influence. None of the petitioners are proclaimed offenders.

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

Learned counsel for the State, on instructions from ASI Ashok Kumar 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. 971 dated 15.11.2014 registered under Sections 498-A, 377,323,406,34 IPC at Police Station Civil

Lines, Gurgaon alongwith all consequential proceedings arising therefrom are hereby quashed.

(LISA GILL)
JUDGE

27.02.2017

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Whether speaking/reasoned : *Yes/No.*

Whether reportable : *Yes/No.*