

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

Criminal Misc. No. M- 43782 of 2016(O&M)

Date of Decision: August 18 , 2017.

Rajesh Dhiman and others PETITIONER(s)

Versus

State of Haryana and another RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Ajay Chaudhary, Advocate
for the petitioners.

Mr. Sandeep Vashisht, DAG, Haryana.

Mr. Rajesh Goyal, Advocate
for the complainant/respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.297 dated 18.03.2016 under Sections 323/406/498A/506 IPC registered at Police Station City Panipat, District Panipat and all other consequential proceedings arising therefrom on the basis of a compromise arrived at between the parties.

The abovesaid FIR was registered at the behest of respondent No.2 due to matrimonial discord with her husband i.e., petitioner No.1. The matter has been settled amicably between the parties before the Mediation and Conciliation Centre of this Court, the terms of which were reduced into writing on 21.11.2016 (Annexure P2). The parties wish to live in peace and harmony and put an end to the acrimony between them.

It is informed that petitioner No.1 and respondent No.2 are now living together in their matrimonial home.

This Court on 07.04.2017 directed the parties to appear before learned trial court/Illaqa Magistrate 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 trial court/Illaqa Magistrate was also directed to intimate whether any of the petitioners are absconding/proclaimed offenders and whether any other case is pending against them. Information was sought as to whether all affected persons are a party to the settlement.

Pursuant to order dated 07.04.2017, the parties appeared before the learned Chief Judicial Magistrate, Panipat and their statements were recorded on 15.05.2017. Respondent No.2 stated that she has amicably resolved the entire dispute with all the accused petitioners and she is residing alongwith her husband at Gurugram. It is further stated that in view of the settlement she has no objection to the quashing of the abovesaid FIR qua the petitioners. Statements of the petitioners in respect to the settlement was recorded as well.

As per report dated 23.05.2017 received from the learned Chief Judicial Magistrate, Panipat it is opined that the settlement between the parties is genuine and voluntary, arrived at without any pressure or coercion. All the accused are arrayed as petitioners in this case and none of them are reported to be proclaimed offenders. Statements of the parties are appended alongwith the said report.

Learned counsel for respondent No.2 reaffirms and verifies the factum of settlement between the parties. It is reiterated that respondent No.2 has no objection to the quashing of the abovementioned FIR against all the petitioners.

Learned counsel for the State submits that as the abovesaid FIR arises out of a matrimonial dispute, the State has no objection to the quashing of this FIR on the basis of a settlement arrived at 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.

Keeping in view the facts and circumstances of this case, 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 merely lead to wastage of precious time of the court and would be an exercise in futility.

This petition is, thus, allowed and FIR No.297 dated 18.03.2016 under Sections 323/406/498A/506 IPC registered at Police Station City Panipat, District Panipat alongwith all consequential proceedings are, hereby, quashed.

However, liberty is afforded to respondent No.2 to file necessary

application for revival of the proceedings in the above said FIR, in case the terms and conditions of settlement between the parties are not adhered to by the petitioner(s) or it is found that the settlement was a mere ruse to have the aforesaid FIR quashed.

August 18 , 2017.
'om'

(LISA GILL)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No