

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

Criminal Misc. No. M- 45883 of 2016(O&M)

Date of Decision: October 4 , 2017.

Ankur Manchanda and another PETITIONER(s)

Versus

State of Haryana and another RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Sanjeev Kumar Panwar, Advocate
for the petitioners.

Mr. Arjun Singh Yadav, AAG, Haryana.

None for respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.16 dated 23.09.2015 under Sections 498A/406/506 IPC registered at Police Station Women, Sector 16-A, Faridabad 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 instance of respondent No.2 due to matrimonial discord with her husband i.e., petitioner No.1. With the intervention of respectables and relatives, a compromise was arrived at between the parties, the terms of which were reduced into writing on 25.10.2016 (Annexure P2). It is noted that after filing of this petition, petitioner No.1 i.e., the husband of respondent No.2 has unfortunately passed away. This petition

was dismissed as infructuous qua him on 17.03.2017.

This Court on 17.03.2017 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 or undue influence. Learned trial court/Illaqa Magistrate was also directed to intimate the number of persons arrayed as accused and whether any accused is proclaimed offender.

Pursuant to order dated 17.03.2017, the parties appeared before the learned Judicial Magistrate First Class, Faridabad and their statements were recorded on 11.04.2017. Respondent No.2 stated that the matter had been compromised with her husband as well as her mother-in-law. However, her husband had since passed away and she did not wish to pursue the proceedings against her mother-in-law i.e., petitioner No.2. The settlement, it is stated, has been arrived at out of her free consent without any coercion or undue influence. Statement of petitioner No.2 in respect to the settlement was recorded as well.

As per report dated 11.04.2017 received from the learned Judicial Magistrate First Class, Faridabad, it is opined that the compromise between the parties is genuine and valid, arrived at out of their own sweet will without any threat, coercion or undue influence. None is reported to be a proclaimed offender. Statements of the parties are appended alongwith the said report.

Mr. M.S.Rana, Advocate had appeared on behalf of respondent No.2 before this Court on 17.03.2017 and affirmed the factum of settlement between the parties.

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 the FIR in question as well as all consequential proceedings 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.16 dated 23.09.2015 under Sections 498A/406/506 IPC registered at Police Station Women, Sector 16-A, Faridabad alongwith all consequential proceedings are, hereby, quashed.

October 4, 2017.
'om'

(**LISA GILL**)
JUDGE

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