

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

CRM No. M-46292 of 2016

Date of decision: 22.03.2017

Dalwinder @ Papla and others

..... Petitioners.

Versus

State of Haryana and another

..... Respondents.

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Pankaj Bali, Advocate, for the petitioners.

Mr. Sanjay K. Saini, AAG, Haryana.

Mr. Naveen Mandhan, 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. 428 dated 30.05.2013 (**Annexure P-1**) registered under Sections 498-A, 420, 506, 406, 34 of the Indian Penal Code (for short 'IPC') at Police Station Karnal Sadar, District Karnal as well as charge sheet dated 30.09.2014 (**Annexure P-2**) and all other consequential proceedings arising therefrom on the basis of an amicable settlement (**Annexure P-3**) arrived at between the parties.

The above said FIR was registered on the basis of a complaint submitted by respondent No.2-Smt. Santosh Rani. The dispute arose between the parties because of matrimonial discord between petitioner No. 1 and respondent No.2

With the intervention of respectables, elders and relatives, the matter has been amicably resolved between the parties. Petitioner No.1 and respondent No.2 have decided to part ways. It is informed that a petition under Section 13- B of the Hindu Marriage Act has been filed by petitioner No.1 and respondent No. 2 and their statements at first motion have been

recorded. Respondent No.2 has received the entire amount due towards her in terms of the settlement.

This Court on 23.12.2016 directed the parties to appear before the learned Illaqa Magistrate/trial Court on 18.01.2017 for recording their statements in respect to the above-mentioned compromise. Learned Illaqa Magistrate/trial Court was directed to submit a report regarding the genuineness of the compromise and to intimate regarding pendency of any proclamation proceedings against the party.

Pursuant to order dated 23.12.2016, the parties appeared before the learned Judicial Magistrate 1st Class, Karnal and their statements were recorded on 19.01.2017. Respondent No.2-Smt. Santosh Rani has stated that the matter has been amicably resolved between the parties. It is stated by her that in terms of the settlement, she has no objection to the quashing of the aforementioned FIR against all the accused-petitioners. Joint statement of all the three petitioners in respect to the settlement was recorded.

As per report dated 21.01.2017, submitted by the learned Judicial Magistrate 1st Class, Karnal it is opined that the settlement between the parties is genuine. It has been arrived at out of the free will of the parties, without any kind of coercion or pressure. It is further mentioned the petitioners are not proclaimed offenders and neither are any such proceedings pending against them.

Learned counsel for the complainant/respondent No.2 affirms and verifies the factum of settlement between the parties. It is further affirmed that respondent No. 2 has received the entire amount due towards her in terms of the settlement. It is stated that respondent No. 2 has no objection, whatsoever, to the quashing of the above mentioned FIR qua all the petitioners.

Learned counsel for the State on instructions from SI Raj Kumar 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. 428 dated 30.05.2013 (**Annexure P-1**) registered under Sections 498-A, 420, 506, 406, 34 of the Indian Penal Code (for short 'IPC') at Police Station Karnal Sadar, District Karnal as well as charge sheet dated 30.09.2014 (**Annexure P-2**) alongwith all consequential proceedings arising therefrom are hereby quashed.

22.03.2017

PA

(LISA GILL)
JUDGE

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