

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

**CRM No. M-5840 of 2016
Date of decision: 27.02.2017**

Ashish Bhardwaj and another

..... Petitioners.

Versus

State of Haryana and another

..... Respondents.

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. D.S. Bishnoi, Advocate and
Ms. Pooja Bishnoi, Advocate for the petitioners.

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

Mr. S.S. Kaliramna, Advocate for
Mr. M.S. Kathuria, 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. 604 dated 10.12.2013 registered under Sections 498-A, 323,34 of the Indian Penal Code (for short 'IPC') at Police Station Sector 5, 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. Manisha Rajpal @ Manisha Bhardwaj, who was married to petitioner No.1- Ashish Bhardwaj, alleging commission of offences under Sections 498-A, 323,34, IPC qua the petitioners.

The above said FIR arises out of matrimonial dispute 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 petitioner No.1 and respondent No.2 are living together at their matrimonial home.

This Court on 22.11.2016 directed the parties to appear before learned trial court/Illaq Magistrate on 20.12.2016 for getting their statements recorded in respect to the above-mentioned compromise. Learned trial court/Illaq 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 was directed to intimate whether 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 22.11.2016, the parties appeared before the learned Judicial Magistrate 1st Class, Gurgaon and their statements were recorded on 20.12.2016. Respondent No.2-Smt. Manisha Rajpal @ Manisha Bhardwaj has stated that she has settled the matter amicably with the accused persons. She is residing happily with her husband and petitioner No.2, her mother-in-law. It is further stated that she has no objection if the above said FIR is quashed against all the accused persons. Joint statement of both the petitioners has also been recorded.

As per report dated 07.01.2017 submitted by the learned Judicial Magistrate 1st Class, Gurgaon, it is noted that the settlement arrived at between the parties is voluntary, arrived at out of their own free will and volition. Respondent No. 2 is residing with the accused persons happily. Statements of the parties have been appended 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 qua both the petitioners as she is now residing happily at her matrimonial home.

Learned counsel for the State, on instructions from ASI Amir 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. 604 dated 10.12.2013 registered under Sections 498-A, 323,34 IPC at Police Station Sector 5, Gurgaon alongwith all consequential proceedings arising therefrom are hereby quashed.

27.02.2017

PA

(LISA GILL)
JUDGE

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