

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

CRM No. M-4754 of 2017

Date of decision: 24.04.2017

Harpreet Singh and others

..... Petitioners.

Versus

State of Haryana and another

..... Respondents.

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Himanshu Sharma, Advocate, for the petitioners.

Mr. Sanjay K. Saini, AAG, Haryana.

Mr. Ram Kumar Saini, 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. 22 dated 19.11.2015 (**Annexure P-1**) registered under Sections 323,406,498-A,506,34 of the Indian Penal Code (for short 'IPC') at Police Station Women, Ambala 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 at the behest of respondent No. 2-Smt. Parvinder Kaur. The dispute arose between the parties because of matrimonial discord between petitioner No. 1-Harpreet Singh and respondent-Smt. Parvinder Kaur.

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 by learned counsel for the parties that the petition under Section 13- B of the Hindu Marriage Act, 1955 filed by petitioner No.1 and respondent No. 2 has since been allowed on 08.03.2017.

This Court on 02.03.2017 directed the parties to appear before the learned trial Court on 08.03.2017 for recording their statements in

respect to the above-mentioned compromise. Learned trial court 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.

Pursuant to order dated 02.03.2017, the parties appeared before the learned Judicial Magistrate 1st Class, Ambala and their statements were recorded on 08.03.2017. A joint statement of the petitioners as well as the complainant-respondent No.2 was recorded. It is stated by the parties that the matter has been amicably resolved between them as reflected in the compromise deed Ex. C-1. The settlement has been arrived at out of the free will of the parties without any kind of pressure, coercion or threat. It is stated that respondent No. 2 has no objection in case the above said FIR against all the petitioners is quashed.

As per report dated 10.03.2017, submitted by the learned Judicial Magistrate 1st Class, Ambala, it is opined that the compromise between the parties is genuine, arrived at out of their own free will, without any threat, pressure or coercion. The three petitioners are the accused in the above noted FIR. They are not proclaimed offenders and neither are any such proceedings pending against them

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

Learned counsel for the State on instructions from ASI Daya, Police Station Women, Ambala, Haryana 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. 22 dated 19.11.2015 registered under Sections 323,406,498-A,506,34 of the IPC at Police Station Women, Ambala alongwith all consequential proceedings arising therefrom are hereby quashed.

(LISA GILL)
JUDGE

24.04.2017
PA

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