

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

**CRM No. M-4874 of 2017
Date of decision: 24.04.2017**

Sunil Patel

..... Petitioner.

Versus

State of Haryana and another

..... Respondents.

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Ram Bilas Gupta, Advocate, for the petitioner.

Mr. Sanjay K. Saini, AAG, Haryana.

Mr. Sandeep 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. 467 dated 27.06.2016 (**Annexure P-1**) registered under Sections 498-A, 377, 406 and 506 of the Indian Penal Code (for short 'IPC') at Police Station City Ballabgarh and all other consequential proceedings arising therefrom on the basis of an amicable settlement (**Annexure P-2**) arrived at between the parties.

The above said FIR was registered at the behest of respondent No. 2-Smt. Raksha Singh. The dispute arose between the parties because of matrimonial discord between the petitioner and respondent No.2- Smt. Raksha Singh.

With the intervention of respectables, elders and relatives, the matter has been amicably resolved between the parties. The petitioner and respondent No.2 have decided to part ways. The terms and conditions of the compromise were reduced into writing on 06.02.2017.

This Court on 02.03.2017 directed the parties to appear before the learned trial Court on 15.03.2017 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 threat, coercion or undue pressure. Learned trial court was directed to intimate whether the petitioner is a proclaimed offender and whether any other case is pending against him.

Pursuant to order dated 02.03.2017, the parties appeared before the learned Additional Chief Judicial Magistrate, Faridabad and their statements were recorded on 15.03.2017. Respondent No.2-Smt. Raksha Singh has stated that she has amicably resolved the matter with the accused-petitioner out of her own free will, without any kind of pressure or coercion. She has stated that she does not wish to pursue the present matter and has no objection in case the above mentioned FIR against the petitioner is quashed. Statement of the petitioner in respect to the settlement has also been recorded. The petitioner has stated that he would abide by the terms and conditions of the settlement.

As per report dated 11.04.2017, submitted by the learned Additional Chief Judicial Magistrate, Faridabad, it is opined that the settlement between the parties is genuine. The parties, it is stated, have specifically mentioned that the settlement is voluntary, without any pressure or coercion. The petitioner is the sole accused in this case. He is not a proclaimed offender and neither are any such proceedings pending against him.

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 the petitioner.

Learned counsel for the State on instructions from ASI Rajinder, Police Station City, Ballabgarh, 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. 467 dated 27.06.2016 registered under Sections 498-A, 377, 406 and 506 of the IPC at Police Station City Ballabgarh alongwith all consequential proceedings arising therefrom are hereby quashed. However, liberty is afforded to respondent No. 2 to seek revival of the above said FIR as well subsequent proceedings, in case the petitioner does not abide by the terms and conditions of the compromise dated 06.02.2017

(Annexure P-2) i.e. specifically does not tender the rest of the amount due to respondent No. 2 at the time of recording of their statements at second motion in the petition under Section 13- B of the Hindu Marriage Act.

(LISA GILL)
JUDGE

24.04.2017

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Whether speaking/reasoned : *Yes/No.*

Whether reportable : *Yes/No.*