

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

Crl. Misc. No. M-4899 of 2017

Date of Decision : November 02, 2017

Sumit @ Moni.....Petitioner

Versus

State of Haryana and another Respondents

CORAM : HON'BLE MRS. JUSTICE LISA GILL

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Present: Mr. Bhupender Singh, Advocate
for the petitioner.

Mr. Anmol Malik, AAG, Haryana.

Mr. M.D.Khan, Advocate
for respondent No.2.

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LISA GILL, J. (Oral)

Prayer in this petition is for quashing of FIR No.96 dated 05.09.2016 under Sections 294, 376 (2)(n), 377, 506, 34 IPC and Section 3 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 registered at Women Police Station Jhajjar along with all other consequential proceedings arising therefrom on the basis of compromise arrived at between the parties.

It is submitted that the above said FIR was registered due to a misunderstanding between the parties. The petitioner and complainant/respondent No.2 have since solemnized marriage on 02.02.2017. They are residing together in a peaceful and harmonious manner at their matrimonial home. Moreover, respondent No.2 no longer

wishes to continue with the said proceedings. It is, thus, submitted that the ratio of the judgment of the Hon'ble Supreme Court in *State of M.P. v. Madan Lal* 2015 (7) SCC 681 is not squarely applicable in this situation. It would thus be in the interest of justice to quash the abovesaid FIR so that the parties can cohabit in peace and harmony.

Pursuant to order dated 18.05.2017, the parties appeared before the learned Additional Sessions Judge, Jhajjar on 26.05.2017. A joint statement of the petitioner as well as respondent No.2 was recorded to the effect that they have solemnized marriage on 02.02.2017 and are now residing together in a peaceful manner. It is further stated that family members of both the petitioner as well as respondent No.2 are happy with this marriage and have no objection thereto. The above-said FIR, it is submitted, was registered against the petitioner due to a misunderstanding on the part of the complainant. Respondent No.2 stated that she does not wish to continue with the proceedings in this case against the petitioner. A copy of the compromise was produced as Ex.C1.

As per report dated 26.05.2017 received from the learned Additional District & Sessions Judge, Jhajjar, it is opined that there is no adverse material on record to doubt the genuineness of the settlement arrived at between the parties. Accordingly the compromise appears to be genuine. The petitioner is not reported to be a proclaimed offender.

Respondent No.2, duly identified by her counsel, is present in Court. She reiterates and verifies the factual position as above and states that she has no objection to the quashing of the above-mentioned FIR against the petitioner who is now her husband.

Learned counsel for the State, on instructions from ASI Baldev

Singh, Women Police Station, Jhajjar, submits that the State has no objection to the quashing of this FIR on the basis of a settlement arrived at between the parties. The factum of marriage between the petitioner and complainant is verified.

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”.

Keeping in view the facts and circumstances of this case, it would be in the interest of justice to quash the above-said 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. 96 dated 05.09.2016 under Sections 294, 376 (2)(n), 377, 506, 34 IPC and Section 3 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 registered at Women Police Station Jhajjar along with all consequential proceedings are, hereby, quashed.

02.11.2017
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(LISA GILL)
JUDGE

Note: Whether speaking/reasoned

Yes / No

Whether Reportable:

Yes / No