

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

Criminal Misc. M- No. 5517 of 2017 (O&M)

Date of decision : August 21, 2017

Nitin Nayar and another

.....Petitioners

Versus

State of Haryana and another

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Rajiv Bajaj, Advocate
for the petitioners.

Mr. Sandeep Vashisht, DAG, Haryana.

Mr. Animesh Sharma, Advocate
for respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No. 343 dated 13.09.2011 under Sections 498A, 506, 406, 323, 34 IPC registered at Police Station Palam Vihar, District Gurgaon and all other consequential proceedings arising therefrom on the basis of a compromise arrived at between the parties.

The abovesaid FIR was registered at the behest of respondent No.2 due to matrimonial discord with her husband i.e., petitioner No.1. With the intervention of respectables and relatives, a compromise has been arrived at between the parties, the terms of which were reduced into writing on 25.01.2017 (Annexure P-2). The present petition has been filed on the basis of this compromise.

This Court on 23.02.2017 directed the parties to appear before learned trial court 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 also directed to intimate whether any of the petitioners are absconding/proclaimed offenders and whether any other case is pending against them. Information was sought as to whether all affected persons are a party to the settlement.

Pursuant to order dated 23.02.2017, the parties appeared before the learned Judicial Magistrate First Class, Gurugram and their statements were recorded on 27.02.2017. Respondent No.2 stated that the matter has been amicably resolved with both the accused petitioners. Said compromise, it is stated, has been arrived at out of her own free will, without any coercion or undue influence. A petition under Section 13B of Hindu Marriage Act, 1955 (for short – 'the Act') is stated to have been filed by the parties. It is further stated by respondent No. 2 that she has no objection in case the above said FIR against the petitioners is quashed in view of the settlement. Statements of the petitioners in respect to the compromise were also recorded.

As per report dated 01.03.2017 received from the learned Judicial Magistrate First Class, Gurugram, it is opined that the compromise between the parties is genuine, voluntary, arrived at without any coercion, pressure or undue influence. None of the petitioners are reported to be the proclaimed offenders. Statements of the parties are appended alongwith the said report.

Learned counsel for the petitioners informs that a petition under Section 13B of the Act has since been allowed on 16.08.2017. Certified copy of the decree sheet dated 16.08.2017 produced in Court is taken on record subject to just exceptions.

Learned counsel for respondent No.2 reaffirms and verifies the factum of settlement between the parties. It is reiterated that respondent No.2 has no objection to the quashing of the abovementioned FIR against all the petitioners.

Learned counsel for the State submits that as the abovesaid FIR arises out of a matrimonial dispute, the State has no objection to the quashing of this FIR on the basis of a settlement arrived at 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.

Keeping in view the facts and circumstances of this case, 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

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. 343 dated 13.09.2011 under Sections 498A, 506, 406, 323, 34 IPC registered at Police Station Palam Vihar, District Gurgaon alongwith all consequential proceedings are, hereby, quashed.

August 21, 2017
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No