

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

**Criminal Misc. No. M- 6219 of 2017(O&M)**

**Date of Decision: August 29 , 2017.**

Bhupender @ Bhup Singh and others ..... PETITIONER(s)

**Versus**

State of Haryana and another ..... RESPONDENT (s)

**CORAM:- HON'BLE MRS.JUSTICE LISA GILL**

Present: Mr. Chanderhas Yadav, Advocate  
for the petitioners.

Mr. Anmol Malik, AAG, Haryana.

Ms. Nimarta Kaur, Advocate  
for the complainant/respondent No.2.

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**LISA GILL, J.**

Prayer in this petition is for quashing of FIR No.31 dated 11.02.2017 under Sections 406/498A/506 IPC registered at Police Station Women Jhajjar, District Jhajjar 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 was arrived at between the parties, the terms of which were reduced into writing on 18.02.2017 (Annexure P4). Petitioner No.1 and respondent No.2, it is submitted, have

decided to part ways. Petition under Section 13B of the Hindu Marriage Act, 1955 has since been allowed.

This Court on 14.03.2017 directed the parties to appear before learned Illaqa Magistrate for recording their statements in respect to the above-mentioned compromise. Learned Illaqa 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 Illaqa Magistrate 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 14.03.2017, the parties appeared before the learned Judicial Magistrate First Class, Jhajjar and their statements were recorded on 28.03.2017. Respondent No.2 stated that the matter has been amicably resolved with all the accused petitioners out of her own free will without any pressure, coercion or undue influence. It is stated by respondent No.2 that she received a sum of ₹5,00,000/- at the time of recording of statements at first motion in the divorce proceedings on 16.02.2017. It is further mentioned that the divorce proceedings are fixed for 21.08.2017 for recording statements of the parties at second motion and remaining amount of ₹4,50,000/- would be handed over to her on the said date. Respondent No.2 stated that she has no objection to the quashing of the abovesaid FIR against the petitioners. Statements of the petitioners in respect to the settlement was recorded as well.

As per report dated 27.04.2017, the learned Judicial Magistrate First

Class, Jhajjar, expressed satisfaction that the compromise between the parties is genuine and voluntary, arrived at out of the free will of the parties without any coercion or undue influence. None of the petitioners are reported to be proclaimed offenders.

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. It is verified that petition under Section 13B of the Hindu Marriage Act, 1955 has since been allowed.

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.31 dated 11.02.2017 under Sections 406/498A/506 IPC registered at Police Station Women Jhajjar, District Jhajjar alongwith all consequential proceedings are, hereby, quashed.

August 29 , 2017.  
'om'

( LISA GILL )  
JUDGE

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|----------------------------|--------|
| Whether speaking/reasoned: | Yes/No |
| Whether reportable:        | Yes/No |