

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

Criminal Misc. No. M- 7172 of 2017(O&M)

Date of Decision: September 19 , 2017.

Lokesh and another PETITIONER(s)

Versus

State of Haryana and another RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Bikram Chaudhary, Advocate
for the petitioners.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

None for respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.0105 dated 31.03.2015 under Sections 498A/406/323/377/506 IPC registered at Police Station Bhupani, District Faridabad 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 instance of respondent No.2 due to matrimonial discord with her husband i.e., petitioner No.1. The matter between the parties was amicably settled with the intervention of respectables and relatives. Petitioner No.1 and respondent No.2 decided to part ways. It is informed that petition under Section 13B of the Hindu Marriage Act, 1955 filed by them has since been allowed on 21.04.2017.

This Court on 31.05.2017 directed the parties to appear before learned trial court/Illaqa Magistrate for recording their statements in respect to the above-mentioned compromise. Learned trial court/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 trial court/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 31.05.2017, the parties appeared before the learned Judicial Magistrate First Class, Faridabad and their statements were recorded on 08.06.2017. Respondent No.2 stated that the matter has been amicably resolved with the petitioners and divorce has been granted to her and her husband i.e., petitioner No.1. The entire settled amount has been received by her. Respondent No.2 further stated that she has no objection in case the abovesaid FIR is quashed against the accused petitioners. Joint statement of the petitioners in respect to the settlement was recorded as well.

As per report dated 08.06.2017 received from the learned Judicial Magistrate First Class, Faridabad satisfaction has been expressed by the learned Judicial Magistrate First Class, Faridabad that the settlement between the parties is genuine and valid, arrived at voluntarily without any threat or pressure from any side. None of the petitioners are reported to be proclaimed offenders. Statements of the parties are appended alongwith the said report.

Mr. Hardeep Singh, Advocate had earlier appeared on behalf of the

complainant/respondent No.2 before this Court on 31.05.2017 and affirmed and verified the factum of settlement between the parties.

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 the FIR in question as well as all consequential proceedings 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.0105 dated 31.03.2015 under Sections 498A/406/323/377/506 IPC registered at Police Station Bhupani, District Faridabad alongwith all consequential proceedings are, hereby, quashed.

However, liberty is afforded to respondent No.2 to file necessary application for revival of the proceedings in the above said FIR, in case the terms

and conditions of settlement between the parties are not adhered to by the petitioners or it is found that the settlement was a mere ruse to have the aforesaid FIR quashed.

September 19 , 2017.
'om'

(LISA GILL)
JUDGE

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