

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

Criminal Misc. No. M- 7196 of 2017(O&M)

Date of Decision: May 22 , 2017.

Ashish Yadav PETITIONER(s)

Versus

State of Haryana and another RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Manish Soni, Advocate
for the petitioners.

Mr. Sanjay K.Saini, AAG, Haryana.

Mr. S.K.Kaushik, Advocate
for respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.133 dated 20.07.2016 under Sections 323/406/498A/506 IPC registered at Police Station Women, Sector 51 Gurgaon, 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 on account of matrimonial discord with her husband i.e. the petitioner. With the intervention of respectables and relatives, a compromise has been arrived at between the parties, the terms of which were reduced in writing on 17.02.2017.

The parties wish to live in peace and harmony and put an end to the acrimony between them. It is informed that the petitioner and respondent No.2 are living together at their matrimonial home.

This Court on 28.03.2017 directed the parties to appear before learned trial court on Gurugram for getting their statements recorded in respect to the above-mentioned compromise. Learned trial court was directed to submit a report indicating therein the genuineness and validity or otherwise of the compromise. Learned trial court was also directed to intimate total number of accused facing trial as well as the status/stage of the trial/case.

Pursuant to order dated 28.03.2017, the parties appeared before the learned Judicial Magistrate First Class, Gurugram and their statements were recorded on 26.04.2017. Respondent No.2 has stated that the matter has been amicably resolved by her with the accused petitioner. It is stated by her that the settlement is genuine, voluntary and arrived at without any coercion or undue influence. It is further stated by respondent No.2 that she has no objection to the quashing of the abovesaid FIR.

As per report dated 26.04.2017 received from the learned Judicial Magistrate First Class, Gurugram the settlement between the parties is opined to be genuine, voluntary and without coercion or undue influence. Petitioner is not a proclaimed offender. It is stated that the petitioner, who is the only accused in this case, is facing trial. The statements of the parties have been appended alongwith the said report.

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 the petitioner. It is verified that the petitioner and respondent No.2 are living together at their matrimonial home.

Learned counsel for the State, on instructions from ASI Roshan Lal, duly verifies that respondent No.2 is living with the petitioner. It is submitted 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 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.133 dated 20.07.2016 under Sections 323/406/498A/506 IPC registered at Police Station Women, Sector 51 Gurgaon, District Gurgaon 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 petitioner or it is found that the settlement was a mere ruse to have the aforesaid FIR quashed.

May 22 , 2017.
'om'

(LISA GILL)
JUDGE

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