

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

**CRM No. M-7911 of 2017
Date of decision: 28.04.2017**

Gopal Bhardwaj @ Neeraj and another

..... Petitioners.

Versus

State of Haryana and another

..... Respondents.

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. D.K.Tuteja, Advocate, for the petitioners.

Mr. Sanjay K. Saini, Assistant Advocate General, Haryana.

Mr. M.S. Kathuria, Advocate, for respondent No.2.

LISA GILL, J.

This petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of FIR No. 394 dated 07.07.2015 registered under Sections 498-A and 406 of the Indian Penal Code (for short 'IPC') at Police Station Sampla, District Rohtak and all other consequential proceedings arising therefrom on the basis of an amicable settlement (**Annexure P-2**) arrived at between the parties.

The above said FIR was registered at the behest of respondent No. 2-Smt. Seema. The dispute arose between the parties because of matrimonial discord between petitioner No. 1- Gopal Bhardwaj @ Neeraj and respondent No.2-Seema.

With the intervention of respectables, elders and relatives, the matter has been amicably resolved between the parties. Petitioner No.1 and respondent No.2 have decided to part ways. The terms and conditions of the compromise were reduced into writing on 10.02.2017. The compromise is on record of this petition as Annexure P-2.

This Court on 09.03.2017 directed the parties to appear before the learned Illaqa Magistrate/trial Court for recording their statements in respect to the above-mentioned compromise. Learned trial court/Illaqa Magistrate was directed to submit a report regarding the compromise arrived at between the parties.

Pursuant to order dated 09.03.2017, the parties appeared before the learned Judicial Magistrate 1st Class, Rohtak and their statements were recorded on 11.04.2017. Respondent No.2-Seema has stated that she has amicably resolved the matter with the petitioners. A petition under Section 13-B of the Hindu Marriage Act has been filed by her along with her husband-petitioner No.1. Their statements at first motion have been recorded and the matter is listed for 13.07.2017 for recording of their statements at second motion. It is stated that the settlement has been arrived at out of her own free will, without any kind of pressure or coercion. She has no objection to the quashing of the aforementioned FIR against both the accused-petitioners. Joint statement of both the petitioners in respect to the settlement was recorded.

As per report dated 11.04.2017, submitted by the learned Judicial Magistrate 1st Class, Rohtak, it is opined that the compromise between the parties is voluntary, genuine, outcome of the free consent of the parties and arrived at without any coercion or undue influence.

Learned counsel for the complainant/respondent No.2 affirms and verifies the factum of settlement between the parties. It is stated that respondent No. 2 has no objection, whatsoever, to the quashing of the above mentioned FIR qua both the petitioners.

Learned counsel for the State on instructions from ASI Bhagat Singh, Police Station Sampla, Rohtak informs that none of the petitioners are

proclaimed offenders and neither are any such proceedings pending against them. The present being a matrimonial dispute, the State has no objection to the quashing of this FIR on the basis of a settlement 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.

In view of the above, 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. 394 dated 07.07.2015 registered under Sections 498-A and 406 of the Indian Penal Code (for short 'IPC') at Police Station Sampla, District Rohtak alongwith all consequential proceedings arising therefrom are hereby quashed qua the petitioners.

(LISA GILL)
JUDGE

28.04.2017
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Whether speaking/reasoned : Yes/No.
Whether reportable : Yes/No.