

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

Criminal Misc. No. M- 9796 of 2017(O&M)

Date of Decision: July 28 , 2017.

Shish Pal and others PETITIONER(s)

Versus

State of Haryana and another RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Parveen Kaushik, Advocate
for the petitioners.

Mr. Himmat Singh, DAG, Haryana.

Mr. Naresh Kumar, Advocate for
Mr. Rajesh Duhan, Advocate
for the complainant/respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.0018 dated 13.01.2015 under Sections 323/406/498A/506 IPC registered at Police Station Civil Line Karnal, District Karnal 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, the matter has been settled between the parties. The parties wish to live in peace and harmony and put an end to the acrimony between them. Affidavits dated 17.03.2017 of petitioner No.1 and

respondent No.2 in respect to the settlement are attached as Annexures P2 and P3, respectively, with this petition.

It is informed that respondent No.2 and her husband i.e., petitioner No.1 are now living together in their matrimonial home.

This Court on 11.05.2017 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 11.05.2017, the parties appeared before the learned Judicial Magistrate First Class, Karnal and their statements were recorded on 19.05.2017. Respondent No.2 as well as her parents in their joint statement stated that they did not wish to pursue with the proceedings in respect to the abovesaid FIR any longer, as respondent No.2 is residing happily with her husband – petitioner No.1 in her matrimonial home. The settlement, it is stated, has been arrived at out of their free will, without any pressure or coercion. Joint statement of the petitioners in respect to the settlement was recorded as well.

As per report dated 23.05.2017 received from the learned Judicial Magistrate First Class, Karnal it is opined that the compromise between the parties is genuine, arrived at out of their free will. None of the petitioners are reported to be proclaimed offenders. Statements of the parties are 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 all the petitioners provided the petitioners abide by the settlement, thereby providing proper love, affection and care in the matrimonial home.

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. 0018 dated 13.01.2015 under Sections 323/406/498A/506 IPC registered at Police Station Civil Line

Karnal, District Karnal 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(s) or it is found that the settlement was a mere ruse to have the aforesaid FIR quashed.

July 28 , 2017.
'om'

(LISA GILL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No