

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

Criminal Misc. No. M- 1049 of 2018(O&M)

Date of Decision: April 5 , 2018.

Jatin Mehta and another PETITIONER(s)

Versus

State of Haryana and another RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

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

Mr. Anmol Malik, AAG, Haryana.

Mr. M.S.Kathuria, Advocate
for the complainant/respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.8 dated 15.01.2016 under Sections 406/498A/354A/506/34 IPC (Section 354A IPC was deleted subsequently), registered at Police Station Women, Rohtak 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. With the intervention of respectables and relatives, a compromise was arrived at between the parties, the terms of which were reduced into writing on 21.07.2017

(Annexure P2). 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 petitioner No.1 and respondent No.2 has since been allowed on 24.01.2018.

This Court on 12.01.2018 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 12.01.2018, the parties appeared before the learned Judicial Magistrate First Class, Rohtak and their statements were recorded on 25.01.2018. Respondent No.2 stated that the matter has been amicably resolved by her with both the accused petitioners out of her own free will without any pressure or coercion. Respondent No.2 further stated that she has no objection in case the abovesaid FIR against the accused petitioners is quashed. It is further mentioned that petition under Section 13B of the Hindu Marriage Act, 1955 filed by her and her husband i.e. petitioner No.1 has since been allowed on 24.01.2018. Joint statement of the petitioners in respect to the settlement was recorded as well.

As per report dated 05.02.2018 received from the learned Judicial Magistrate First Class, Rohtak, satisfaction is expressed that the compromise

between the parties is genuine, arrived at voluntarily without any coercion or undue influence. 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 the petitioners.

Learned counsel for the State, on instructions from ASI Manju, 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. 8 dated 15.01.2016 under Sections 406/498A/354A/506/34 IPC (Section 354A IPC was deleted subsequently), registered at Police Station Women, Rohtak alongwith all consequential proceedings are, hereby, quashed.

April 5, 2018.
'om'

**(LISA GILL)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No