

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

Criminal Misc. No. M- 14016 of 2016(O&M)

Date of Decision: January 09 , 2018.

Nitin Bhatia

..... PETITIONER(s)

Versus

State of Haryana and others

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Pankaj Maini, Advocate
for the petitioner.

Mr. Ashok S.Chaudhary, Addl.AG, Haryana.

Mr. Atul Kaushik, Advocate
for the complainant/respondent No.3.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.818 dated 26.11.2014 under Sections 323/506/498A IPC, registered at Police Station Hansi City, District Hisar 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.3 due to matrimonial discord with her husband i.e., the petitioner. With the intervention of respectables and relatives, a compromise was arrived at between the parties, the terms of which were reduced into writing on 18.04.2016 (Annexure P2). It is submitted that though it is mentioned in said compromise

dated 18.04.2016 that respondent No.3 and the petitioner have started residing together, it was ultimately decided that there could not be any resumption of matrimonial ties between them. Therefore, the petitioner and respondent No.3 decided to part ways. Petition under Section 13B of the Hindu Marriage Act, 1955 filed by the petitioner and respondent No.3, it is submitted, has since been allowed on 03.11.2017.

This Court on 17.05.2017 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 or undue influence. Learned trial court/Illaqa Magistrate was also directed to intimate the number of persons arrayed as accused and whether any accused is a proclaimed offender.

Pursuant to order dated 17.05.2017, the parties appeared before the learned Sub Divisional Judicial Magistrate, Hansi and their statements were recorded on 30.05.2017. Respondent No.3 stated that she has compromised the matter with her husband, the petitioner out of her own free will and they have decided to obtain a decree of divorce. It is further stated that she does not wish to pursue the present proceedings arising of the abovesaid FIR against the accused petitioner. Statement of the petitioner in respect to the settlement was recorded as well.

As per report dated 30.05.2017 received from the learned Sub Divisional Judicial Magistrate, Hansi, it is opined that the matter has been amicably resolved between the parties voluntarily, without any fear or pressure.

It is specifically noted that the petitioner and respondent No.3 have agreed to part ways and obtain a decree of divorce. The petitioner is reported to be the sole accused in this case and not declared to be a proclaimed offender. Statements of the parties are appended alongwith the said report.

Learned counsel for respondent No.3 reaffirms and verifies the factum of settlement between the parties as well as decree of divorce granted to them on 03.11.2017. It is reiterated that respondent No.3 has no objection to the quashing of the abovementioned FIR against the petitioner.

Learned counsel for the State, on instructions from ASI Mahender Singh, verifies that petition under Section 13B of the Hindu Marriage Act, 1955 filed by the petitioner and respondent No.3 has since been allowed on 03.11.2017. Photocopy of the judgment dated 03.11.2017, produced by learned counsel for the State in Court today, is taken on record subject to just exceptions. It is further submitted 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.818 dated 26.11.2014 under Sections 323/506/498A IPC, registered at Police Station Hansi City, District Hisar alongwith all consequential proceedings are, hereby, quashed.

January 09 , 2018.
'om'

(LISA GILL)
JUDGE

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