

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

Crl. Misc. No. M-16956 of 2016 (O&M)

Date of Decision : March 23, 2018

Meet Sain and othersPetitioners

Versus

State of Haryana and others Respondents

CORAM : HON'BLE MRS. JUSTICE LISA GILL

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Present: Mr. Robin Singh Hooda, Advocate
for the petitioners.

Mr. Ashok S. Chaudhry, Addl. A.G. Haryana.

Mr. Jasjeet Singh Virk, Advocate
for respondent No.2.

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LISA GILL, J. (Oral)

CRM-10879 of 2018

Prayer is for impleading Ms. Sonia D/o Surinder Singh as
petitioner No.4.

Notice of the application.

Mr. Jasjeet Singh Virk, Advocate, accepts notice on behalf of
respondent No.2.

On the asking of the Court, Mr. Ashok S. Chaudhry, Additional
Advocate General, Haryana, accepts notice on behalf of the State.

It is noticed that the applicant-Sonia D/o Surinder Singh has
been acquitted by the Juvenile Justice Board on 05.06.2015. This fact is
specifically mentioned in the report dated 15.11.2015 submitted by the Sub

Divisional Judicial Magistrate, Ganaur, Sonipat.

Learned counsel for respondent No.2 submits that his client does not wish to proceed against the applicant and neither has any appeal been filed against her acquittal till date and respondent No.2 undertakes not to file any appeal against her acquittal as well.

In this view of the matter, there is no necessity to implead Smt. Sonia as petitioner in this case.

Application is disposed of.

CRM-10880 of 2018

Judgment and decree dated 31.05.2017 passed by the learned District and Sessions Judge, Family Court, Sonipat (Annexure P5) is taken on record subject to just exceptions.

Application is disposed of.

CRM-M-16956 of 2016

Prayer in this petition is for quashing of FIR No.351 dated 18.09.2014 under Sections 323, 498-A, 406, 506, 354D IPC registered at Police Station Ganaur, District Sonipat, along with all other consequential proceedings arising therefrom on the basis of compromise dated 06.05.2016 (Annexure P2) arrived at between the parties.

It is informed that petition under Section 13-B of the Hindu Marriage Act, 1955 filed by petitioner No.1 and respondent No.2 has since been allowed on 31.05.2017 (Annexure P5). The entire settled amount has been received by respondent No.2.

Pursuant to order dated 27.09.2016, the parties appeared before the learned Sub Divisional Judicial Magistrate, Ganaur, and their statements were recorded on 03.11.2016. Respondent No.2 stated that she has compromised the matter with all the accused-petitioners out of her own free

will, without any kind of pressure, threat or coercion and she has no objection to the quashing of the above-said FIR against all the petitioners. Joint statement of the petitioners in respect to the compromise was also recorded.

As per report dated 08.11.2016 received from the learned Sub Divisional Judicial Magistrate, Ganaur, it is opined that the compromise between the parties is genuine, voluntarily arrived at out of their own free will. It is specifically mentioned that the 4th accused-Sonia D/o Surinder Singh was acquitted by the Juvenile Justice Board on 05.06.2015. None of the petitioners is reported to be a proclaimed offender. Statements of the parties are appended along with the said report.

Learned counsel for respondent No.2 reaffirms and verifies the factum of settlement between the parties as well as the fact that petition under Section 13-B of the Hindu Marriage Act, 1955 has since been allowed. The entire settled amount, it is stated, has been received by respondent No.2. It is reiterated that respondent No.2 has no objection to the quashing of the above-mentioned FIR against all the petitioners.

Learned counsel for the State, on instructions from ASI Kuldeep Singh, has stated that the State has no objection to the quashing of the aforesaid 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 above-said 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. 351 dated 18.09.2014 under Sections 323, 498-A, 406, 506, 354D IPC registered at Police Station Ganaur, District Sonipat, along with all consequential proceedings are, hereby, quashed.

23.03.2018
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(LISA GILL)
JUDGE

Note: Whether speaking/reasoned
Whether Reportable:

Yes / No
Yes / No