

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

Criminal Misc. No. M- 18434 of 2017(O&M)

Date of Decision: February 06 , 2018.

Vikram Suhag

..... PETITIONER(s)

Versus

State of Haryana and another

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Salil, Advocate for
Mr. Chander Deep Singh, Advocate
for the petitioners.

Mr. Parveen Chauhan, Advocate for
Mr. Gagandeep Singh Wasu, APP, U.T.

Ms. Harpriya Khaneka, Advocate
for the complainant/respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.18 dated 04.03.2017 under Sections 406/498A IPC registered at Police Station Women Cell, District Chandigarh 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 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 28.04.2017 (Annexure P2). All disputes between the parties have been settled. It is informed that petition under Section 13B of the Hindu Marriage Act, 1955 filed by the petitioner and

respondent No.2 has been allowed on 17.11.2017.

This Court on 01.08.2017/6.11.2017 directed the parties to appear before learned Illaqa Magistrate for recording their statements in respect to the above-mentioned compromise. Learned Illaqa Magistrate was directed to submit a report regarding the genuineness of the compromise, as to whether it has been arrived at voluntarily without any threat or coercion. Learned Illaqa Magistrate was also directed to intimate whether the petitioner is a proclaimed offender.

Pursuant to orders dated 01.08.2017/06.11.2017, the parties appeared before the learned Judicial Magistrate First Class, Chandigarh and their statements were recorded on 17.11.2017. Respondent No.2 stated that the matter has been amicably resolved by her with the petitioner, out of her own free will without any pressure or undue influence. Petition under Section 13B of the Hindu Marriage Act, 1955, it is stated, has been allowed on 17.11.2017 itself and in terms of the compromise, respondent No.2 received the entire settled amount. Respondent No.2 further stated that she has no objection in case the abovesaid FIR against the accused petitioner is quashed. Statement of the petitioner in respect to the settlement was recorded as well.

As per report dated 17.11.2017 received from the learned Judicial Magistrate First Class, Chandigarh, satisfaction is expressed that the compromise between the parties is genuine, arrived at voluntarily out of their own free will without any coercion or pressure. The petitioner, who is the sole accused, is not reported to be a proclaimed offender. 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 petitioner.

Learned counsel for Union Territory, Chandigarh 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. 18 dated 04.03.2017 under Sections 406/498A IPC registered at Police Station Women Cell, District Chandigarh alongwith all consequential proceedings are, hereby, quashed.

February 06 , 2018.
'om'

(**LISA GILL**)
JUDGE

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