

**Crl. Misc. No. M-23738 of 2017 and
Crl. Misc. No.M-48425 of 2017**

[1]

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

**Crl. Misc. No. M-23738 of 2017
Date of Decision : March 08, 2018**

Prashant Sharma.....Petitioner

Versus

State of Haryana and another Respondents

Crl. Misc. No.M-48425 of 2017

Bimla Sharma and another Petitioners

Versus

State of Haryana and another Respondents

CORAM : HON'BLE MRS. JUSTICE LISA GILL

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Present: Mr. M.K.Sood, Advocate
for the petitioner/s.

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

Mr. Amar Singh, Advocate for
Mr. S.S. Walia, Advocate
for respondent No.2.

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LISA GILL, J. (Oral)

This order shall dispose of CRM-M-23738 of 2017 and CRM-M-48425 of 2017.

Prayer in both the aforesaid petitions is for quashing of FIR No.13 dated 07.01.2017 under Sections 354A, 406, 498-A, 34 IPC registered at Police Station Section-7, Faridabad, along with all other consequential proceedings arising therefrom on the basis of compromise dated 15.05.2017 (Annexure P2) arrived at between the parties.

The above-said FIR was registered at the instance of respondent No.2 due to matrimonial discord with her husband-Prashant Sharma (Petitioner in CRM-M-23738 of 2017). The matter was amicably resolved. The terms and conditions of settlement were reduced into writing on 15.05.2017 (Annexure P-2).

It is informed that petition under Section 13-B of the Hindu Marriage Act, 1955 filed by the petitioner-Prashant Sharma and respondent No.2 has since been allowed on 01.12.2017. The entire settled amount of ₹ 15 lakhs has since been received by respondent No.2.

It is pointed out that the parties were directed to record their statements in respect to the settlement in CRM-M-23738 of 2017 which was however filed only on behalf of the petitioner-Prashant Sharma. CRM-M-48425 of 2017 has been filed on behalf of the co-accused Bimla Sharma and another i.e. parents-in-law of the complainant. Statements of all the parties have however been recorded.

Pursuant to order dated 08.08.2018 passed by this Court in CRM-M-23738 of 2017, the parties appeared before the learned Judicial Magistrate First Class, Faridabad and their statements were recorded on 25.08.2017. Respondent No.2 stated that she has compromised the matter with all the accused-petitioners out of her own free will, without any fear or pressure, with intervention of respectable persons of society. It is submitted that she received ₹ 05 lakhs at the time of recording of her statement at first motion in the petition under Section 13-B of the Hindu Marriage Act, 1955 filed by her and her husband out of the total amount of ₹ 15 lakhs. Another sum of ₹ 05 lakhs was received by her on 25.08.2017 at the time of

would be given to her at the time of recording of her statement at second motion on 01.12.2017. She has not expressed any reservation to the quashing of the aforementioned FIR against any of the accused. Joint statement of all the three petitioners in respect to the compromise was also recorded.

As per report dated 25.08.2017 received from the learned Judicial Magistrate First Class, Faridabad, satisfaction is expressed that the settlement between the parties is genuine, valid, voluntarily arrived at without any coercion or undue influence. 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. It is also affirmed that petition under Section 13-B of the Hindu Marriage Act, 1955 has been allowed and the entire settled amount 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 three petitioners.

Learned counsel for the State, on instructions from ASI Rajbir Singh, submits that as the above-said 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 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.

Both the petitions are, thus, allowed and FIR No. 13 dated 07.01.2017 under Sections 354A, 406, 498-A, 34 IPC registered at Police Station Section-7, Faridabad, along with all consequential proceedings are, hereby, quashed.

08.03.2018
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**(LISA GILL)
JUDGE**

Note: Whether speaking/reasoned
Whether Reportable:

Yes / No
Yes / No