

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

Criminal Misc. No.M- 26105 of 2017 (O&M)

Date of decision : March 12, 2018

Deputy Jarnail Singh and others

.....Petitioners

Versus

State of Haryana and another
Respondents

....

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Namit Khurana, Advocate
for the petitioners.

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

None for respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No. 641 dated 15.05.2014 under Sections 498A, 323, 406, 506 IPC registered at Police Station Panipat city, District Panipat 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.

It is informed that petition under Section 13B of Hindu Marriage Act, 1955 has since been allowed in January, 2018. The entire settled amount has been handed over to respondent No. 2.

This Court on 21.12.2017 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, fear or undue influence. Learned trial court/Illaqa Magistrate 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 21.12.2017, the parties appeared before the learned Judicial Magistrate First Class, Panipat and their statements were recorded on 02.02.2018. Respondent No.2 stated that the matter has been compromised by her with all the accused persons out of her own free will, without any kind of fear, pressure or coercion. She stated that petition under Section 125 Cr.P.C. and Section 12 of Protection of Women from Domestic Violence Act filed by her had since been withdrawn by her. Respondent No.2 stated that she has no objection to the quashing of the abovesaid FIR qua the petitioners. Statements of the petitioners in respect to the compromise were also recorded.

As per report dated 02.02.2018 received from the learned Judicial Magistrate First Class, Panipat satisfaction is expressed that the compromise between the parties is genuine, arrived at out of free will of the parties, without any threat, fear, inducement and pressure.

None of the petitioners is reported to be a proclaimed offender.

Statements of the parties are appended alongwith the said report.

Mr. Rajesh Malik, Advocate had appeared on behalf of respondent No. 2 on 21.12.2017 and affirmed that respondent No. 2 has no objection to the quashing of the above said FIR.

Learned counsel for the State submits that as the abovesaid 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 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. 641 dated 15.05.2014 under Sections 498A, 323, 406, 506 IPC registered at Police Station Panipat city, District Panipat alongwith all consequential proceedings are, hereby, quashed.

However, liberty is afforded to respondent No.2 to file necessary application for revival of the proceedings in the above said FIR, in case, any of the facts as mentioned above are not in accordance with the record.

March 12, 2018

rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No