

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

1. Criminal Misc. No.M- 28015 of 2017(O&M)
Date of Decision: April 06 , 2018.

Dhruv Shaswat PETITIONER(s)

Versus

State of Haryana and another RESPONDENT (s)

2. Criminal Misc. No. M- 33055 of 2017(O&M).

Shakuntla and others PETITIONER(s)

Versus

State of Haryana and another RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Gagandeep Rana, Advocate
for the petitioners.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

Mr. B.S.Bajwa, Advocate for
Mr. Rajinder Paul, Advocate
for the complainant/respondent No.2.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

LISA GILL, J.

This order shall dispose of CRM No.M-28015 of 2017 (Dhruv

Shaswat v. State of Haryana and another) and CRM No.M-33055 of 2017 (Shakuntla and others v. State of Haryana and another). Facts for the sake of convenience are being extracted from CRM No.M-28015 of 2017.

Prayer in both these petitions is for quashing of FIR No.369 dated 26.09.2016 under Sections 120B/323/34/376/377/406/498A/506 IPC registered at Police Station Sadar Sonipat, District Sonipat and all other consequential proceedings arising therefrom on the basis of a compromise dated 19.04.2017 (Annexure P2 with CRM No.M-28015 of 2017) arrived at between the parties before the Mediation and Conciliation Centre of this Court as well as compromise dated 07.08.2017 (Annexure P2 with CRM No.M-33055 of 2017).

It is submitted that the abovesaid FIR was registered at the instance of respondent No.2 on account of matrimonial discord with her husband i.e., the petitioner – Dhruv Shaswat due to certain misunderstandings. The matter has been amicably settled between the parties and all misunderstandings between the parties have since been removed.

Petitioner – Dhruv Shaswat and the complainant/respondent No.2, duly identified by their counsel, are present in Court. It is submitted that they have resumed matrimonial ties and are living together in their matrimonial home since April, 2017 at Sonipat.

Learned counsel for the petitioners pointed out that one of the accused – Adesh Kumar is not a party to these petitions. He is not related to the family. Reliance is placed on a decision of this Court in Parambir Singh Gill v. Malkiat Kaur, 2010(1) RCR(Criminal) 256 to submit that there is no impediment to quash an FIR qua some of the accused on the basis of a

settlement.

This Court on 13.12.2017 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 13.12.2017, the parties appeared before the learned Additional Chief Judicial Magistrate, Sonapat on 16.01.2018. A joint statement of the parties was recorded in respect to the settlement, wherein it is stated that the matter has been amicably resolved between them out of their own free will, without any fear, threat or coercion. It is mentioned that respondent No.2 has no objection in case the abovesaid FIR against the petitioners is quashed. Statements of the petitioners in respect to the settlement were recorded as well.

As per report dated 30.03.2018 received from the learned Additional Chief Judicial Magistrate, Sonapat, satisfaction is expressed that the compromise between the parties is genuine and voluntary. It is specifically mentioned that there are seven accused facing trial in this case, six of them are parties to the present petitions. Accused – Adesh Kumar is not a party to the

proceedings. None of the petitioners are reported to be proclaimed offenders. 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 informed that petition under Section 13 of the Hindu Marriage Act, 1955 filed by the petitioner – Dhruv Shaswat has since been withdrawn. It is reiterated that respondent No.2 has no objection to the quashing of the abovementioned FIR against the petitioners.

Learned counsel for the State, on instructions from SI Suresh Kumar, submits that as the abovesaid FIR arises out of a matrimonial dispute, the State has no serious 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.

Both the petitions are, thus, allowed and FIR No.369 dated 26.09.2016 under Sections 120B/323/34/376/377/406/498A/506 IPC registered at Police Station Sadar Sonipat, District Sonipat alongwith all consequential proceedings are, hereby, quashed qua the petitioners

However, liberty is afforded to respondent No.2 to file necessary application for revival of the proceedings in the above said FIR, in case the terms and conditions of settlement between the parties are not adhered to by the petitioners or it is found that the settlement was a mere ruse to have the aforesaid FIR quashed.

(**LISA GILL**)
JUDGE

April 06 , 2018.
'om'

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