

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

**Crl. Misc. No. M-28062 of 2017
Date of Decision : April 05, 2018**

KapilPetitioner

Versus

State of Haryana and another Respondents

CORAM : HON'BLE MRS. JUSTICE LISA GILL

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Present: Mr. Parminder Singh, Advocate
for the petitioner.

Mr. Anmol Malik, AAG, Haryana.

Mr. Vishwajeet, Advocate
for respondent No.2.

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LISA GILL, J. (Oral)

This petition has been filed for quashing of FIR No.789 dated 14.12.2016 under Sections 323, 498A IPC registered at Police Station Samalkha, District Panipat, along with all other consequential proceedings arising therefrom on merits. However, during the pendency of this petition the matter was amicably resolved between the parties before the Mediation & Conciliation Centre of this Court on 15.12.2017. A copy of the Settlement Agreement dated 15.12.2017 is attached with this file.

It is informed that pursuant to the settlement the petitioner and respondent No.2 have filed a petition under Section 13-B of the Hindu Marriage Act, 1955. Their statements at first motion have been recorded and part of the settled amount has been handed over to respondent No.2. The petitioner, it is submitted, undertakes to abide by the terms and conditions of the settlement. He shall handover rest of the settled amount to

respondent No.2 in terms of the settlement.

Pursuant to order dated 09.01.2018, the parties appeared before the learned Sub Divisional Judicial Magistrate, Samalkha (Panipat) and their statements were recorded on 02.02.2018. A joint statement of respondent No.2-complainant as well as her parents was recorded to the effect that the matter has been amicably resolved between the parties out of their own free will and volition, without any kind of fear or coercion. No objection was raised for quashing of the abovesaid FIR against the petitioner. Statement of the petitioner in respect to the settlement was also recorded.

As per report dated 08.02.2018 received from the learned Sub Divisional Judicial Magistrate, Samalkha (Panipat), satisfaction is expressed that the compromise between the parties is genuine, voluntarily arrived at out of the free will of the parties. The petitioner is not 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 reiterated that respondent No.2 has no objection to the quashing of the above-mentioned FIR subject to strict adherence of the terms and conditions of the Settlement by the petitioner.

Learned counsel for the State has not raised any serious 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.789 dated 14.12.2016 under Sections 323, 498A IPC registered at Police Station Samalkha, District Panipat, along with 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 the terms and conditions of settlement between the parties are not adhered to by the petitioner or it is found that the settlement was a mere ruse to have the aforesaid FIR quashed.

05.04.2018
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(LISA GILL)
JUDGE

Note: Whether speaking/reasoned
Whether Reportable:

Yes / No
Yes / No