

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

Criminal Misc. No.M- 28109 of 2017 (O&M)

Date of decision : May 10, 2018

Ashootosh Kumar and others

.....Petitioners

Versus

State of Haryana and another

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Somesh Gupta, Advocate
for the petitioners.

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

Mr. Vinod Kumar Verma, Advocate for
Mr. Satyaveer Singh, Advocate
for respondent No. 2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No. 101 dated 27.05.2015 under Sections 323, 406, 498A, 494, 506 IPC registered at Police Station Sector 14, Panchkula and all other consequential proceedings arising therefrom on the basis of compromise dated 14.07.2017 (Annexure P-2) arrived at between the parties.

It is informed that petitioners No. 2 and 3 were declared innocent during investigation and were not proceeded against.

Learned counsel for the State, on instructions from ASI Harvinder Kumar, verifies the said fact. It is submitted that the petition is rendered infructuous qua petitioners No. 2 and 3.

Ordered accordingly.

The petition survives qua petitioner No. 1 only.

The abovesaid FIR was registered at the instance of respondent

It is informed that petition under Section 13B of Hindu Marriage Act, 1955 filed by petitioner No. 1 and respondent No. 2 has since been allowed. The entire settled amount has been received by respondent No. 2. Respondent No. 2 does not wish to proceed any further.

This Court on 20.12.2017 directed the parties to appear before learned trial court/Illaq Magistrate for recording their statements in respect to the above-mentioned compromise. Learned trial court/Illaq 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/Illaq 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 20.12.2017, the parties appeared before the learned Judicial Magistrate First Class, Panchkula and their statements were recorded on 16.01.2018. Respondent No.2 stated that the matter has been compromised with her husband out of her own free will, without any kind of pressure or threat. She has received the entire settled amount. Respondent No.2 stated that she has no objection to the quashing of the abovesaid FIR qua petitioner No. 1. Statement of petitioner No. 1 in respect to the compromise was also recorded.

As per report dated 20.01.2018 received from the learned Judicial Magistrate First Class, Panchkula satisfaction is expressed that the compromise between the parties is genuine, arrived at out of free will of the parties, without any pressure or coercion from any corner. The petitioner 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 the State, on instructions from ASI Harvinder Kumar 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. 101 dated

27.05.2015 under Sections 323, 406, 498A, 494, 506 IPC registered at Police Station Sector 14, Panchkula alongwith all consequential proceedings are, hereby, quashed.

May 10, 2018
rts

(Lisa Gill)
Judge

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