

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

Criminal Misc. No. M- 28569 of 2015(O&M)

Date of Decision: May 18 , 2018.

Rahul PETITIONER(s)

Versus

State of Haryana and another RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Sukhdeep Parmar, Advocate
for the petitioner.

Mr. Anmol Malik, AAG, Haryana.

Mr. Ashok Tyagi, Advocate
for the complainant/respondent No.2.

LISA GILL, J.

This petition has been filed for quashing of FIR No.720 dated 06.06.2015 under Sections 496/420/328/354/354A/506/34 IPC, registered at Police Station Gurgaon City.

As per the allegations in the abovesaid FIR, the complainant/respondent No.2 had friendly relations with the petitioner three years prior to the registration of the case. It is alleged that under the effect of certain intoxicants, signatures of the complainant were taken on blank papers. Thereafter, a marriage certificate was prepared, though the complainant alleged that she never solemnized marriage with the petitioner. Petition under Section 12 of the Hindu

Marriage Act, 1955 was also filed by the complainant. However, during the pendency of this petition, the matter has been amicably resolved between the parties before the Mediation Centre, District Courts, Gurugram on 10.03.2017. Certified copy of the said settlement is attached with the file of this petition. It is submitted that the petition under Section 12 of the Hindu Marriage Act, 1955 was allowed in terms of the settlement arrived at between the parties. It is thus prayed that the present petition be disposed of in view of the settlement arrived at between the parties.

At this stage, it is to be noted that two other persons were also named in the FIR. However, this petition has been filed only on behalf of accused Rahul. Learned counsel for the petitioner relies upon the 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 a FIR against some of the accused persons on the basis of a settlement arrived at between the parties.

This Court on 30.11.2017 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 the petitioner is absconding/proclaimed offender and whether any other case is pending against him. Information was sought as to whether all affected persons are a party to the settlement.

Pursuant to order dated 30.11.2017, the parties appeared before the learned Chief Judicial Magistrate, Gurugram and their statements were recorded on 14.12.2017. Respondent No.2 stated that she has compromised the matter with the accused Rahul out of her own free will before the Mediation Centre, District Courts, Gurugram on 10.03.2017. Copy of compromise was tendered as Mark-A. Statement of the petitioner in respect to the settlement was recorded as well. Statement of HC Ashok Kumar was also recorded on 16.12.2017 to the effect that the petitioner is not a proclaimed offender and is not involved in any other criminal case.

As per report dated 08.01.2018 received from the learned Chief Judicial Magistrate, Gurugram, it is opined that the compromise between the parties is genuine, arrived at between the parties out of their own free will without any pressure or coercion. 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 Naresh Kumar, has raised 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”.

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.720 dated 06.06.2015 under Sections 496/420/328/354/354A/506/34 IPC, registered at Police Station Gurgaon City alongwith all consequential proceedings qua the petitioner are, hereby, quashed.

May 17 , 2018.
'om'

(LISA GILL)
JUDGE

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