

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

Criminal Misc. No. M- 28678 of 2017(O&M)

Date of Decision: April 06 , 2018.

Balram Sharma PETITIONER(s)

Versus

State of Haryana and another RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Ashit Malik, Advocate
for the petitioner.

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

None for respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.178 dated 13.05.2016 under Sections 354/377/406/498A/506 IPC, registered at Police Station Bhupani, District Faridabad 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., the petitioner. With the intervention of respectables and relatives, a compromise was arrived at between the parties, the terms of which were reduced into writing on 08.07.2017 (Annexure P2).

The petitioner and respondent No.2 decided to part ways. It is

informed that petition under Section 13B of the Hindu Marriage Act, 1955 filed by them has since been allowed on 11.01.2018. The entire settled amount has been handed over to respondent No.2.

Copy of decision dated 11.01.2018, furnished in Court today, is taken on record subject to just exceptions.

This Court on 04.10.2017 directed the parties to appear before learned trial court for recording their statements in respect to the above-mentioned compromise. Learned trial court 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 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 04.10.2017, the parties appeared before the learned Judicial Magistrate First Class, Faridbad and their statements were recorded on 23.10.2017. Respondent No.2 stated that the matter has been amicably resolved by her with the petitioner, out of her own free will without any pressure or coercion and she has no objection in case the abovesaid FIR against the accused petitioner is quashed. Statement of the petitioner in respect to the settlement was recorded as well. Statement of ASI Maya Rani, Women Cell NIT Zone, Faridabad was recorded to the effect that the petitioner is not a proclaimed offender.

As per report dated 23.10.2017 received from the learned Judicial

Magistrate First Class, Faridabad, satisfaction is expressed that the compromise between the parties is genuine, arrived at without any threat, coercion or undue pressure from any quarter. The petitioner is not reported to be a proclaimed offender. Statements of the parties are appended alongwith the said report.

Mr. Himanshu Arora, Advocate for Mr. Manoj Bajaj, Advocate had appeared on behalf of respondent No.2 before this Court on 04.10.2017. He affirmed and verified the factum of settlement between the parties and submitted that respondent No.2 has no objection to the quashing of the abovementioned FIR against the petitioner, pursuant to which, the parties were directed learned trial court for recording of their statements in respect to the compromise.

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 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.

This petition is, thus, allowed and FIR No.178 dated 13.05.2016 under Sections 354/377/406/498A/506 IPC, registered at Police Station Bhupani, District Faridabad alongwith all consequential proceedings are, hereby, quashed.

April 6 , 2018.
'om'

**(LISA GILL)
JUDGE**

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