

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

Criminal Misc. No. M- 29076 of 2017(O&M)

Date of Decision: January 23 , 2018.

Arundeeep Singh and others

..... PETITIONER(s)

Versus

State of Haryana and another

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Sukhwinder Singh Sudan, Advocate
for the petitioners.

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

Mr. G.C.Shahpuri, Advocate
for the complainant/respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.10 dated 07.02.2017 under Sections 323/34/377/406/498A/506 IPC, registered at Police Station Women, Yamuna Nagar 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., petitioner No.1. With the intervention of respectables and relatives, a compromise was arrived at between the parties, the terms of which were reduced into writing on 07.07.2017 (Annexure P2).

It is informed that petition under Section 13B of the Hindu Marriage Act, 1955 filed by petitioner No.1 and respondent No.2 has since been allowed. The entire settled amount has been handed over to respondent No.2.

This Court on 13.11.2017 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 13.11.2017, the parties appeared before the learned Judicial Magistrate First Class, Yamuna Nagar at Jagadhri on 20.12.2017. Joint statement of respondent No.2 and all the petitioners was recorded. It is stated that with the intervention of the respectables of the society, the matter has been amicably resolved between them. Respondent No.2 stated that she did not want to pursue the matter any longer and she has no objection in case the abovesaid FIR against the accused petitioners is quashed. The petitioners undertook to abide by the terms and conditions of the settlement.

As per report dated 10.01.2018 received from the learned Judicial Magistrate First Class, Yamun Nagar at Jagdhri, satisfaction is expressed that the compromise between the parties is voluntary, arrived at between them without any coercion. None of the petitioners are reported to be proclaimed offenders.

Joint statement of the parties is 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 all the petitioners.

Learned counsel for the State, on instructions from ASI Jasbir Singh, 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.10 dated 07.02.2017

under Sections 323/34/377/406/498A/506 IPC, registered at Police Station Women, Yamuna Nagar alongwith all consequential proceedings are, hereby, quashed.

January 23 , 2018.
'om'

(LISA GILL)
JUDGE

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