

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

CRM-M-29734 of 2017 (O&M)

Date of Decision:28.02.2018

Mehar Singh and others

..... Petitioners

Versus

State of Haryana and another

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Harish Bhardwaj, Advocate
the petitioners.

Mr. Ramesh Kumar, AAG., Haryana.

Mr. Sarchit Punia, Advocate
for Mr. Rishu Mahajan, Advocate
for respondent no.2.

LISA GILL, J(Oral).

Prayer in this petition is for quashing of FIR No.83 dated 06.07.2017, under Sections 323, 307, 34 IPC, registered at Police Station Moohana, District Sonapat, along with all other consequential proceedings arising therefrom on the basis of a settlement dated 07.08.2017 (Annexure P-2) arrived at between the parties.

The abovesaid FIR was registered at the instance of respondent no.2, who is the wife of petitioner no.1. It is submitted that marriage between respondent no.2 and petitioner no.1 had taken place about twenty one years ago. The above said FIR was registered due to certain misunderstandings between the parties, which have since been removed. No offence punishable under Sections 323, 307,

34 IPC, is made out against the petitioners.

Petitioner no.1 and respondent no.2, it is stated have resumed the matrimonial ties. They are living together at the matrimonial home. Learned counsel for petitioner no.1 submits that he is regularly depositing 1/4th of his salary in the account of respondent no.2. He undertakes to continue doing the same and shall not stop the deposit of 1/4th of his salary in the account of respondent no.2, at any stage. It is thus prayed that this petition be allowed.

This Court on 16.08.2017, directed the parties to appear before the learned trial court for recording of 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 petitioners are absconding/proclaimed offender 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 16.08.2017, the parties appeared before the learned Judicial Magistrate Ist Class, Sonapat, on 30.08.2017. Respondent No.2 stated that she has amicably resolved the matter with all the petitioners out of her own free will, without any fear or pressure. It is specifically stated that respondent no.2 does not wish to continue with the proceedings and has no objection in case the abovesaid FIR against all the petitioners is quashed. Joint statement of all the petitioners was recorded in respect to the

settlement were recorded. Statement of ASI Surender Singh was also recorded.

As per report dated 05.09.2017, received from the learned Judicial Magistrate Ist Class, Sonapat, satisfaction is expressed that the compromise between the parties is genuine, voluntarily arrived at out of the free will of the parties, without any pressure, coercion or undue influence. Petitioners are not reported to be proclaimed offenders.

Learned counsel for respondent No.2 affirms 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 against the petitioners subject to the petitioners strictly adhering to the terms and conditions of the settlement.

Learned counsel for the State has not raised any serious 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”.

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.83 dated 06.07.2017, under Sections 323, 307, 34 IPC, registered at Police Station Moohana, District Sonapat, 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(s) or it is found that the settlement was a mere ruse to have the aforesaid FIR quashed.

28.02.2018
s.khan

[LISA GILL]
Judge

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