

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

**Crl. Misc. No. M-3088 of 2018
Date of Decision : February 23, 2018**

Prikshit and othersPetitioners

Versus

State of Haryana and another Respondents

CORAM : HON'BLE MRS. JUSTICE LISA GILL

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Present: Mr. Arjun Sheoran, Advocate
for the petitioners.

Mr. Anmol Malik, AAG, Haryana.

Mr. R.S.Malik, Advocate
for respondent No.2.

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LISA GILL, J. (Oral)

Prayer in this petition is for quashing of FIR No.20 dated 30.03.2017 under Sections 498-A, 406, 506, 354, 323, 34 IPC and Section 376, added later on, registered at Police Station Women, Sonapat along with all other consequential proceedings arising therefrom on the basis of compromise (Annexure P2) arrived at between the parties.

The above-said FIR was registered at the instance of respondent No.2 due to matrimonial discord with her husband i.e. petitioner No.1. The matter was amicably resolved. The terms and conditions of settlement were reduced into writing on 11.01.2018 (Annexure P-2).

It is submitted that a petition under Section 13-B of the Hindu Marriage Act, 1955 has been filed by petitioner No.1 and respondent No.2. Their statements at first motion have been recorded.

Today a Demand Draft No. 427917 dated 13.02.2018 for ₹ 03 lakhs has been handed over to learned counsel for respondent No.2 for onward transmission to respondent No.2. Photocopy of the said Demand Draft is taken on record subject to just exceptions.

It is admitted that now only a sum of ₹ 03 lakhs out of the total amount of ₹ 11 lakhs remains to be deposited with respondent No.2. The petitioners undertake to abide by the terms and conditions of the settlement in letter and spirit. Petition under Section 13-B of the Hindu Marriage Act, 1955 is listed in August 2018 for recording of statements of the parties at second motion. The said balance amount of ₹ 03 lakhs shall be handed over to respondent No.2 at that time. Respondent No.2 undertakes to handover the custody of the child at that time to petitioner No.1.

Pursuant to order dated 24.01.2018 the parties appeared before the learned Additional Sessions Judge, Sonipat and their statements were recorded on 09.02.2018. Respondent No.2 stated that she has compromised the matter with all the accused-petitioners out of her own free will, without any fear, influence or pressure. It is further stated that she has no objection to the quashing of the above-said FIR against all the petitioners. Compromise Deed was tendered as Ex.C1. A joint statement of all the petitioners in respect to the compromise was also recorded.

As per report dated 12.02.2018 received from the learned

Additional District & Sessions Judge, Sonapat, satisfaction is expressed that the settlement between the parties is genuine, voluntary and out of the free will of the parties. None of the petitioners is reported to be a proclaimed offender. Statements of the parties are appended along with 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 above-mentioned FIR against all the petitioners subject to strict adherence to the terms and conditions of the settlement by the petitioners.

Learned counsel for the State, on instructions from ASI Saroj Police Station Women, Sonapat submits that as the above-said 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 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. 20 dated 30.03.2017 under Sections 498-A, 406, 506, 354, 323, 34 IPC and Section 376, added later on, registered at Police Station Women, Sonapat along with all consequential proceedings are, hereby, quashed.

23.02.2018
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(LISA GILL)
JUDGE

Note: Whether speaking/reasoned
Whether Reportable:

Yes / No
Yes / No