

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

Criminal Misc. No. M- 30133 of 2017(O&M)

Date of Decision: May 23 , 2018.

Harinder Singh @ Harinder Singh and others

..... PETITIONER(s)

Versus

State of Haryana and others

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Yogesh Saini, Advocate for
Mr. Suveer Sheokand, Advocate
for the petitioners.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

Mr. Gaurav Sethi, Advocate
for respondents No.2 and 3.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.80 dated 02.06.2017, under Section 420 IPC and Sections 3/4 of the Dowry Prohibition Act, 1961, registered at Police Station Women, Police Station Ambala and all other consequential proceedings arising therefrom on the basis of a compromise arrived at between the parties.

It is submitted that petitioner No.3 and respondent No.3 were engaged to be married. Allegations as mentioned in the the abovesaid FIR, which was registered at the instance of respondent No.2, were levelled against the petitioners. However, the matter has been amicably resolved between the parties.

With the intervention of respectables and relatives, a compromise was arrived at

between the parties, the terms of which were reduced into writing on 17.07.2018 (Annexure P2). A sum of ₹7,50,000/- i.e., the expense incurred on the engagement ceremony has since been handed over to respondent No.3.

This Court on 18.09.2017 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 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 18.09.2017, the parties (petitioner No.3 through his power of attorney holder and father, Harminder Singh @ Harinder Singh) appeared before the learned Judicial Magistrate First Class, Ambala and their statements were recorded on 12.10.2017. Respondents No.2 and 3 in their separate statements specifically stated that the matter has been amicably resolved with all the accused petitioners and they have no objection to the quashing of the aforementioned FIR against all of them. Copy of the compromise deed was tendered as Ex.P1. It is stated that a sum of ₹3,75,000/- has been received by them on 17.07.2017 and thereafter, a demand draft dated 10.10.2017 for another sum of ₹3,75,000/- was received on 12.10.2017. Respondents No.2 and 3 specifically stated that they have no objection in case the abovesaid FIR against

the accused petitioners is quashed. Joint statement of petitioners No.1 and 2 as well as petitioner No.3 through his power of attorney holder and father, Harminder Singh @ Harinder Singh was recorded in respect to the settlement.

As per report dated 13.10.2017 received from the learned Judicial Magistrate First Class, Ambala, it is mentioned that parties have admitted the compromise in its true letter and spirit and agreed to abide by the same. However, it is mentioned that as petitioner No.3 has not appeared in-person and statement was recorded through his power of attorney holder, opinion was not expressed on the genuineness of the statement qua the said petitioner. None of the petitioners are reported to be proclaimed offenders. Statements of the parties are appended alongwith the said report.

Learned counsel for the petitioners submits that petitioner No.3 has filed the present petitioner for quashing of the FIR on the basis of the compromise. His specific affidavit in respect to the same alongwith the power of attorney in favour of his father, Harminder Singh @ Harinder Singh was duly tendered before the learned Judicial Magistrate First Class, Ambala. The said affidavit dated 07.07.2017 is attached alongwith the report submitted by the learned Judicial Magistrate First Class, Ambala. Petitioner No.3, it is submitted, specifically agrees to abide by the terms and conditions of the settlement, which have indeed been carried out by the petitioners.

Learned counsel for respondents No.2 and 3 reiterates and affirms the abovesaid factual position and states that the said respondents have no objection whatsoever to the quashing of the abovementioned FIR against all the three petitioners.

Learned counsel for the State has not raised any 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. 80 dated 02.06.2017, under Section 420 IPC and Sections 3/4 of the Dowry Prohibition Act, 1961, registered at Police Station Women, Police Station Ambala alongwith all consequential proceedings are, hereby, quashed.

May 23, 2018.
'om'

(**LISA GILL**)
JUDGE

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