

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

Criminal Misc. No.M- 30673 of 2017 (O&M)

Date of decision : February 02, 2018

Govind and others

.....Petitioners

Versus

State of Haryana and another

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Vishal Yadav, Advocate for
Mr. Vikrant Hooda, Advocate
for the petitioners.

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

Mr. C.S. Singhal, Advocate
for respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No. 211 dated 20.06.2011 under Sections 498A, 406, 506 IPC registered at Police Station City Bahadurgarh alongwith consequential proceedings arising therefrom on the basis of compromise dated 07.07.2017 (Annexure P-2).

The abovesaid FIR was registered at the instance of respondent No.2 due to matrimonial discord with her husband i.e., petitioner No.1. It is submitted that respondent No. 2 and petitioner No. 1 have resumed matrimonial ties and both of them are living together in the matrimonial home alongwith their children. The parties wish to live in peace and harmony and put an end to the acrimony between them. The present petition has been filed on the basis of this compromise.

This Court on 27.09.2017 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 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 27.09.2017, the parties appeared before the learned Judicial Magistrate First Class, Bahadurgarh and their statements were recorded on 21.11.2017. Respondent No.2 stated that she has amicably resolved the entire dispute with all the petitioners out of her own free will, without any kind of pressure or coercion. It is further stated that respondent No. 2 is living with her husband in the matrimonial home alongwith her children in peace and harmony and she does not wish to pursue the above said FIR and all consequential proceedings. Respondent No.2 specifically stated that she has no objection to the quashing of the abovesaid FIR qua the petitioners. Statements of the petitioners in respect to the compromise were also recorded.

As per report dated 21.11.2017 received from the learned Judicial Magistrate First Class, Bahadurgarh, satisfaction is expressed that the compromise between the parties is genuine, arrived at out of their own free will, without any pressure or duress. None of the petitioners is reported to be a proclaimed offender. Statements of the parties are 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 the petitioners.

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 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 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. 211 dated 20.06.2011 under Sections 498A, 406, 506 IPC registered at Police Station City Bahadurgarh alongwith 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.

February 02, 2018

rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No