

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

CRM-M-32012 of 2017 (O&M)

Date of Decision:16.02.2018

Anil Verma and others

..... Petitioners

Versus

State of Haryana and another

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr.B.Diwakar, Advocate
for the petitioners.

Mr. Anmol Malik, AAG., Haryana

Mr. Subham Verma, Advocate
for respondent no.2.

LISA GILL, J(Oral).

Prayer in this petition is for quashing of FIR No.250 dated 04.05.2015, under Sections 498-A, 406, 323, 506, 212 IPC, registered at Police Station Sector-7, Faridabad, along with all other consequential proceedings arising therefrom on the basis of compromise arrived at between the parties.

It is submitted that the above-said FIR was registered at the instance of respondent No.2 due to matrimonial discord with her husband-petitioner no.1. It is informed that petition under Section 13-B of the Hindu Marriage Act, 1955, has been filed. Statements of the parties at first motion have been recorded. Petitioners undertake to hand over the rest of the balance amount to respondent no.2 on 20.02.2018 at the time of recording of statements of the parties at

second motion in the above mentioned petition. Therefore, it is prayed that this petition be allowed.

This Court on 14.11.2017 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 14.11.2017, the parties appeared before the learned Additional Sessions Judge, Faridabad on 08.12.2017. Respondent No.2 stated that she has compromised the matter with all the accused-petitioners out of her own free will, without any coercion or pressure. It is stated that due to temperamental differences the parties could not live together any longer. Petition under Section 13-B of the Hindu Marriage Act, 1955, it is submitted has been filed. Respondent no.2 stated that she has withdrawn the petition under Section 125 Cr.P.C., filed by her. It is further stated that she has no objection to the quashing of the aforementioned FIR against the petitioners provided the settled balance amount as per the compromise is handed over to her at the time of recording of their statements at second motion in a petition under Section 13-B of the Hindu Marriage Act. Statements of the

petitioners in respect to the settlement was recorded on 08.12.2017

As per report dated 08.12.2017, received from the learned Additional Sessions Judge, Faridabad, satisfaction is expressed that the compromise between the parties is genuine, arrived at out of the free will of the parties, without any pressure or coercion. Petitioners are not reported to be a proclaimed offender.

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 petitioner 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”.

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.250 dated 04.05.2015, under Sections 498-A, 406, 323, 506, 212 IPC, registered at Police Station Sector-7, Faridabad, 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.

16.02.2018
s.khan

[LISA GILL]
Judge

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.