

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

Criminal Misc. No. M- 33001 of 2017(O&M)

Date of Decision: February 19 , 2018.

Rinku and others PETITIONER(s)

Versus

State of Haryana and another RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Saurabh Kapoor, Advocate
Mr. Ashit Malik, Advocate
for the petitioners.

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

Mr. Vishwajeet, Advocate
for the complainant/respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.280 dated 11.08.2015 under Sections 323/406/498A/313/506 IPC registered at Police Station Kurukshetra University, District Kurukshetra and all other consequential proceedings arising therefrom on the basis of a compromise arrived at between the parties.

The abovesaid FIR was registered at the instance of respondent No.2 due to matrimonial discord with her husband i.e., petitioner No.1. With the intervention of respectables and relatives, a compromise was arrived at between the parties. The parties decided to part ways. It is submitted that petition under

Section 13B of the Hindu Marriage Act, 1955 filed by petitioner No.1 and respondent No.2 has since been allowed on 05.02.2018. The entire settled amount has been handed over to respondent No.2. It is thus prayed that this petition be allowed.

Certified copy of judgment and decree dated 05.02.2018 passed by the learned Additional District Judge, Kurukshetra, filed in Court today, is taken on record subject to just exceptions.

Learned counsel for respondent No.2 reaffirms and verifies the factual position as above. It is reiterated that respondent No.2 has no objection to the quashing of the abovementioned FIR against the petitioners.

This Court on 23.10.2017 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 23.10.2017, the parties appeared before the learned Chief Judicial Magistrate, Kurukshetra on 22.11.2017. Joint statement of the complainant as well as all the accused persons in respect to the settlement was recorded. It is specifically mentioned therein that the matter has been amicably resolved between the parties out of their free will without any pressure or coercion. It is mentioned that petition seeking divorce would be finalized on

05.02.2018 and the entire settled amount would be handed over to respondent No.2 on the said date. It is specifically stated that both the parties wish for peace and harmony and do not want to pursue any proceedings against each other.

As per report dated 22.11.2017 received from the learned Chief Judicial Magistrate, Kuskshetra, satisfaction is expressed that the compromise between the parties is genuine, arrived at out of their free will. None of the petitioners are reported to be proclaimed offenders. Statement of the parties is appended alongwith the said report.

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 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”.

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.280 dated 11.08.2015 under Sections 323/406/498A/313/506 IPC registered at Police Station Kurukshetra University, District Kurukshetra alongwith all consequential proceedings are, hereby, quashed.

February 19 , 2018.
'om'

(LISA GILL)
JUDGE

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