

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

265

**Criminal Misc. No. M-3569-2018
Date of Decision: May 15, 2018.**

SUDHIR TANGRI

..... PETITIONER

Versus

STATE OF HARYANA AND ANR

..... RESPONDENTS

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Vikas Bahl, Senior Advocate with
Mr. Davinder Grover, Advocate,
Mr. Sangram S. Saron, Advocate and
Mr. Akshay, Advocate,
for the petitioner.

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

Mr. Gautam Dutt, Advocate
for the complainant/respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.239 dated 17.07.2017 under Sections 498A, 323, 377, 506 read with Section 12 of the Protection of Children from Sexual Offences Act, 2012, registered at Police Station Women Cell, Gurugram, alongwith all consequential proceedings arising therefrom on the basis of a compromise dated 22.01.2018 (Annexure P-4) arrived at between the parties.

It is submitted that the abovesaid FIR was registered against the petitioner at the instance of respondent No. 2 due to matrimonial discord with her husband-petitioner. It is submitted that no offence punishable under Section 377

of IPC and Section 12 of the Protection of Children from Sexual Offences Act or any other offence is made out. Moreover, the matter has now been amicably resolved between the parties. Petition under Section 13-B of the Hindu Marriage Act, 1955 filed by the petitioner and respondent No. 2 has since been allowed on 27.04.2018. Certified copy of the judgment and decree dated 27.04.2018 filed in Court today, is taken on record subject to just exceptions. The parties have complied with the terms and conditions of the settlement. In terms of settlement dated 22.01.2018, two demand drafts dated 20.04.2018 for a sum of Rs.20 lakhs drawn on State Bank of India and 09.05.2018 for a sum of Rs. 60 lakhs drawn on City Bank in favour of respondent No. 2, have been handed over to respondent No.2, who is present in Court, duly identified by her counsel. Photostat copies of the said demand drafts are taken on record subject to just exceptions.

Respondent No. 2, present in Court reiterates that in view of the settlement between the parties she has no objection in case the abovementioned FIR is quashed against the petitioner. Custody of the children, it is affirmed, shall be retained by respondent No. 2 with visitation rights afforded to the petitioner in terms of the compromise.

This Court on 29.01.2018 directed the parties to appear before learned trial court/Illaqa Magistrate for recording their statements in respect to the above-mentioned compromise. Learned trial court/Illaqa 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/Illaqa Magistrate was also directed to intimate whether the petitioner is absconding/proclaimed offender and whether any other case is pending against

him. Information was sought as to whether all affected persons are a party to the settlement.

Pursuant to order dated 29.01.2018, the parties appeared before the learned Judicial Magistrate Ist Class, Gurugram and their statements were recorded on 20.02.2018. Respondent No.2 stated that the matter has been amicably resolved with the petitioner, out of her own free will without any pressure, coercion or undue influence. It is mentioned that petition under Section 13-B of the Hindu Marriage Act was filed by her and her husband-petitioner. Their statements were recorded on 22.01.2018. Respondent No.2 further stated that she has no objection in case the abovesaid FIR against the petitioner is quashed. Statement of the petitioner in respect to the settlement was recorded as well.

As per report dated 20.02.2018 received from the learned Judicial Magistrate Ist Class, Gurugaram, satisfaction is expressed that the compromise between the parties is genuine and voluntary, arrived at without any force or coercion. Petitioner is not 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 in case the abovementioned FIR is quashed subject to the petitioner.

Learned counsel for the State, on instructions, 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.239 dated 17.07.2017 under Sections 498A, 323, 377, 506 read with Section 12 of the Protection of Children from Sexual Offences Act, 2012, registered at Police Station Women Cell, Gurugram, alongwith all consequential proceedings are, hereby, quashed.

May 15, 2018
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(LISA GILL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No