

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

**Crl. Misc. No. M-35342 of 2017
Date of Decision : February 16, 2018**

Baljit Singh and others.....Petitioners

Versus

State of Haryana and another Respondents

CORAM : HON'BLE MRS. JUSTICE LISA GILL

...

Present: Mr. G.S.Salana, Advocate
for the petitioners.

Mr. Anmol Malik, AAG, Haryana.

None for respondent No.2.

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LISA GILL, J. (Oral)

Prayer in this petition is for quashing of FIR No.75 dated 14.11.2016 under Sections 406, 498-A, 323, 506 IPC registered at Women Police Station, Panchkula, along with all other consequential proceedings arising therefrom on the basis of compromise dated 26.05.2017 (Annexure P2) arrived at between the parties.

The above-said FIR was registered at the instance of respondent No.2 due to matrimonial discord with her husband i.e. petitioner

No.1. The matter was amicably resolved. The terms and conditions of settlement were reduced into writing on 26.05.2017 (Annexure P-2).

It is informed that petitioner No.1 and respondent No.2 filed a petition under Section 13-B of the Hindu Marriage Act, 1955 which has since been allowed on 03.01.2018. The entire settled amount has been received by respondent No.2 and all her claims qua the petitioners stand satisfied.

Photocopy of the judgment and decree dated 03.01.2018 along with the statement of the parties at second motion filed in Court today are taken on record subject to just exceptions.

Pursuant to order dated 08.11.2017, the parties appeared before the learned Judicial Magistrate First Class, Panchkula and their statements were recorded on 17.11.2017. Respondent No.2 stated that she has compromised the matter with all the accused-petitioners. A petition under Section 13-B of the Hindu Marriage Act, 1955 it is stated has been filed. Respondent No.2 further stated that she has no objection to the quashing of the above-said FIR against the petitioners. A joint statement of all the petitioners in respect to the compromise was also recorded.

As per report dated 21.11.2017 received from the learned Judicial Magistrate First Class, Panchkula, it is opined that the settlement between the parties is genuine, voluntarily arrived at out of the free will of the parties. None of the petitioners is reported to be a proclaimed offender.

Mr. G.S.Dhindsa, Advocate, had appeared on behalf of respondent No.2 on 08.11.2017. He affirmed the factum of settlement

between the parties pursuant to which parties were directed to appear before the learned trial court/Illaq Magistrate on 16.11.2017 for recording of their statements.

Learned counsel for the State submits that as the above-said 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 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. 75 dated 14.11.2016 under Sections 406, 498-A, 323, 506 IPC registered at Women Police

Station, Panchkula along with all consequential proceedings are, hereby,
quashed.

16.02.2018
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(LISA GILL)
JUDGE

Note: Whether speaking/reasoned
Whether Reportable:

Yes / No
Yes / No