

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

Criminal Misc. No. M- 35710 of 2017(O&M)

Date of Decision: February 06 , 2018.

Sandeep Yadav PETITIONER(s)

Versus

State of Haryana and another RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Kunal Dawar, Advocate
for the petitioner.

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

Mr. Balwinder Singh, Advocate for
Mr. Kshitij Sharma, Advocate
for the complainant/respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.277 dated 30.05.2013 under Sections 498A/406/325/506 IPC registered at Police Station Faridabad Central, District Faridabad 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., the petitioner. The matter was amicably settled between the parties before this Court during the pendency of proceedings in CRM No.M-42760 of 2015 filed by respondent No.2. The petitioner and respondent No.2 decided to part ways.

It is informed that petition under Section 13B of the Hindu Marriage Act, 1955 filed by the petitioner and respondent No.2 has since been allowed on 22.01.2018. The entire settled amount has been received by respondent No.2 and she has no objection to the quashing of the aforementioned FIR.

This Court on 25.09.2017 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 25.09.2017, the parties appeared before the learned Judicial Magistrate First Class, Faridabad and their statements were recorded on 24.10.2017. Respondent No.2 stated that she has compromised the matter with the accused petitioner. Petition under Section 13B of the Hindu Marriage Act, 1955 is mentioned to be filed by the parties. It is stated that out of the total settled amount of ₹11,00,000/-, she has already received ₹5.5 lakhs. Petitions filed by her under Section 125 Cr.P.C. and under the Protection of Women from Domestic Violence Act, 2005 have since been withdrawn. The settlement, it is stated, has been arrived at voluntarily without any coercion or undue influence. Respondent No.2 specifically stated that she has no objection in case the abovesaid FIR against the accused petitioner is quashed. Statement

of the petitioner in respect to the settlement was recorded as well.

As per report dated 24.10.2017 received from the learned Judicial Magistrate First Class, Faridabad, satisfaction is expressed that the compromise between the parties is genuine and voluntary, arrived at without any coercion or undue influence. The 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. Petition under Section 13B of the Hindu Marriage Act, 1955 has since been allowed and respondent No.2 has received the entire settled amount. It is reiterated that respondent No.2 has no objection to the quashing of the abovementioned FIR against the petitioner.

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.277 dated 30.05.2013 under Sections 498A/406/325/506 IPC registered at Police Station Faridabad Central, District Faridabad alongwith all consequential proceedings are, hereby, quashed.

February 06 , 2018.
'om'

**(LISA GILL)
JUDGE**

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