

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

Criminal Misc. No.M- 36667 of 2017 (O&M)

Date of decision : March 14, 2018

Kabir Mahant and others

.....Petitioners

Versus

State of Haryana and another

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Deepam Raghava, Advocate
for the petitioners.

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

Mr. Saurabh Bhardwaj, Advocate
for respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No. 263 dated 12.12.2016 under Sections 498A, 406, 506, 34 IPC registered at Police Station Woman, District Gurugram and all other consequential proceedings arising therefrom on the basis of a compromise dated 26.07.2017 (Annexure P-2) 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.

It is informed that petition under Section 13B of Hindu Marriage Act, 1955 filed by petitioner No. 1 and respondent No. 2 has since been allowed on 01.03.2018. The entire settled amount has been handed over to respondent No. 2. There is, thus, no impediment to the quashing of the aforementioned FIR.

This Court on 10.11.2017 directed the parties to appear before learned Illaqa Magistrate for recording their statements in respect to the

above-mentioned compromise. Learned 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 Illaqa Magistrate 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 10.11.2017, the parties appeared before the learned Judicial Magistrate First Class, Gurugram and their statements were recorded on 30.11.2017. Respondent No.2 stated that she has arrived at a compromise with all the petitioners out of her own free will, without any kind of pressure. Respondent No.2 stated that she has no objection to the quashing of the abovesaid FIR qua the petitioners. Joint statement of the petitioners in respect to the compromise was also recorded.

As per report dated 18.12.2017 received from the learned Judicial Magistrate First Class, Gurugram, satisfaction is expressed that the compromise between the parties is genuine, valid, arrived at out of free will of the parties, without any kind of coercion. None of the petitioners is 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 to the quashing of the abovementioned FIR against the petitioners.

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 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 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. 263 dated 12.12.2016 under Sections 498A, 406, 506, 34 IPC registered at Police Station Woman, District Gurugram alongwith all consequential proceedings are, hereby, quashed.

March 14, 2018
rts

(Lisa Gill)
Judge

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