

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

CRM-M-37190 of 2017 (O&M)

Date of Decision:06.03.2018

Nitin

..... Petitioner

Versus

State of Haryana and another

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. H.C.Kinra, Advocate
the petitioner.

Mr. Ashok S. Chaudhary, Addl.AG, Haryana.
For respondents no.1 and 2.

Ms. Akansha Yadav, Advocate
for respondent no.3.

LISA GILL, J(Oral).

Prayer in this petition is for quashing of FIR No.210 dated 17.05.2017, under Sections 498-A, 406, 506, 323, 34 IPC, registered at Police Station Sanjay Gandhi Memorial Nagar, Faridabad, along with all other consequential proceedings arising therefrom on the basis of a compromise (Annexure P-2) arrived at between the parties.

It is submitted that the above-said FIR was registered at the instance of respondent No.3 due to matrimonial discord with her husband-petitioner. It is informed that petition under Section 13-B of the Hindu Marriage Act, 1955, has been filed. Statements of the parties at first motion have been recorded and part of the settled

amount i.e. ₹9 lakhs has been handed over to respondent no.2. The petitioner undertakes to handover the rest of the balance amount of ₹2 lakhs to respondent no.2 at the time of recording of the statements of the parties at second motion on 24.07.2018. It is thus prayed that this petition be allowed.

This Court on 30.11.2017 directed the parties to appear before the learned trial court for recording of 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 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 30.11.2017, the parties appeared before the learned Judicial Magistrate Ist Class, Faridabad, on 10.01.2018. Respondent No.3 stated that the matter has been amicably resolved by her with the accused-petitioner out of her own free will, without any pressure or undue influence. It is specifically 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 per report dated 22.01.2018, received from the learned Judicial Magistrate Ist Class, Faridabad, satisfaction is expressed that the compromise between the parties is genuine,

voluntarily arrived at out of the free will of the parties, without any pressure, coercion or undue influence or fraud. As many as eight persons were named in this FIR, but only the present petitioner was proceeded against. Petitioner is not reported to be proclaimed offender.

Learned counsel for respondent No.3 affirms and verifies the factum of settlement between the parties. It is reiterated that respondent No.3 has no objection to the quashing of the above-mentioned FIR against the petitioner/all the accused subject to the petitioner strictly adhering to the terms and conditions of the settlement.

Learned counsel for the State has not raised any serious 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.210 dated 17.05.2017, under Sections 498-A, 406, 506, 323, 34 IPC, registered at Police Station Sanjay Gandhi Memorial Nagar, Faridabad, along with all consequential proceedings are, hereby, quashed.

However, liberty is afforded to respondent No.3 to file necessary application for revival of the proceedings in the above said FIR, in case the terms and conditions of settlement between the parties are not adhered to by the petitioner(s) or it is found that the settlement was a mere ruse to have the aforesaid FIR quashed.

06.03.2018
s.khan

[LISA GILL]
Judge

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