

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

Criminal Misc. No. M- 3838 of 2018(O&M)

Date of Decision: April 24 , 2018.

Krishan Chander

..... PETITIONER(s)

Versus

State of Haryana and another

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Bhupinder Banga, Advocate
for the petitioner.

Mr. Anmol Malik, AAG, Haryana.

Mr. Imran Ahmed Ali, Advocate
for respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.0085 dated 11.11.2016 under Sections 323/34/406/498A IPC, registered at Police Station Women, Hissar 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. With the intervention of respectables and relatives, a compromise was arrived at between the parties, the terms of which were reduced into writing on 14.11.2017 (Annexure P2). It is informed that the petitioner and respondent No.2 have

resumed matrimonial ties and are living together.

This Court on 30.01.2018 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 30.01.2018, the parties appeared before the learned Judicial Magistrate First Class, Hisar and their statements were recorded on 06.02.2018. Respondent No.2 stated that the matter has been amicably resolved by her with the petitioner out of her own free will without any kind of pressure or coercion. Compromise dated 14.11.2017 was tendered as Annexure 'A'. Respondent No.2 further stated that she has appended her signatures on the said compromise and she does not wish to pursue the matter against the petitioner. Statement of the petitioner in respect to the settlement was recorded as well.

As per report dated 16.02.2018 received from the learned Judicial Magistrate First Class, Hisar, satisfaction is expressed that the compromise between the parties has been arrived at out of their free will without any kind of pressure or inducement. 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 abovesaid factual position and reiterates that respondent No.2 has no objection to the quashing of the abovementioned FIR against the petitioner.

Learned counsel for the State, on instructions from ASI Nirmala, 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.0085 dated 11.11.2016

under Sections 323/34/406/498A IPC, registered at Police Station Women, Hissar alongwith all consequential proceedings are, hereby, quashed.

However, liberty is afforded to respondent No.2 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 or it is found that the settlement was a mere ruse to have the aforesaid FIR quashed.

April 24 , 2018.
'om'

**(LISA GILL)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No