

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

Criminal Misc. No. M-37559 of 2017 (O&M)

Date of Decision: March 27, 2018.

Ranpreet Singh Luthra and Ors.

..... PETITIONERS

Versus

State of Haryana etc.

..... RESPONDENTS

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Gautam Dutt, Advocate
for the petitioners.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

Mr. Parveen Jain, Advocate
for the complainant/respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No. 81 dated 22.02.2017, under Sections 323, 406, 498-A, 506 IPC, registered at Police Station Sector-31-Faridabad, District Faridabad and all other consequential proceedings arising therefrom on the basis of a compromise dated 18.08.2017 (Annexure P-2) arrived at between the parties.

Learned counsel for the petitioners and respondent No. 2 inform that petition under Section 13-B of the Hindu Marriage Act has been allowed on 26.03.2018. The entire settled amount except the FDR of Rs. 12,50,000/- deposited with the Registrar of this Court has been received by respondent No. 2.

Respondent No. 2, duly identified by her counsel is present in Court.

She submits that in view of the settlement between the parties she has no objection in case the abovesaid FIR against the accused petitioners is quashed subject to the release of the abovesaid FDR of Rs. 12,50,000/- to her. An apprehension is expressed that as her signatures have not been appended on the said FDR, a technical problem may not be raised by the Bank.

Petitioner No. 1, who is present in Court duly identified by his counsel, undertakes that he shall facilitate removal of any kind of problem if faced by respondent No. 2 in this respect.

This Court on 06.10.2017, directed the parties to appear before learned trial court/Illaq Magistrate for recording their statements in respect to the above-mentioned compromise. Learned trial court/Illaq 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/Illaq 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 06.10.2017, the parties appeared before the learned Judicial Magistrate First Class, Faridabad and their statements were recorded on 06.11.2017. Respondent No.2 stated that she has amicably resolved the matter with all the accused petitioners without any force, pressure or any sort of undue influence. Respondent No.2 further stated that she has no objection in case the abovesaid FIR against the accused petitioners is quashed. Joint statement of the petitioners in respect to the settlement was recorded as well.

As per report dated 27.11.2017 received from the learned Judicial Magistrate First Class, Faridabad, it is opined that the compromise between the parties is without any threat or pressure from either side and is a valid compromise arrived out of the free will and volition of the parties. None of the petitioners are reported to be proclaimed offenders. 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 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.

It is directed that the FDR of Rs. 12,50,000/- deposited with the Registrar of this Court be released to respondent No. 2 qua adequate proof of identity.

This petition is, thus, allowed and FIR No. 81 dated 22.02.2017, under Sections 323, 406, 498-A, 506 IPC, registered at Police Station Sector-31-Faridabad, District Faridabad alongwith all consequential proceedings are, hereby, quashed.

March 27, 2018
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(LISA GILL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No