

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

Criminal Misc. No. M- 39247 of 2017(O&M)

Date of Decision: May 18 , 2018.

Punit Bhatia

..... PETITIONER(s)

Versus

State of Haryana and another

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Deepak Girotra, Advocate
for the petitioner.

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

Mr. N.K.Malhotra, Advocate
for the complainant/respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.0319 dated 08.11.2016 under Sections 323/406/498A/506 IPC, registered at Police Station Purani Sabzi Mandi, Rohtak 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 24.05.2017 (Annexure P2). The petitioner and respondent No.2 decided to part ways.

Learned counsel for the petitioner and respondent No.2 inform that petition under Section 13B of the Hindu Marriage Act, 1955 filed by their clients has been allowed on 16.03.2018. The entire settled amount stands remitted to respondent No.2.

This Court on 23.10.2017 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 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 23.10.2017, the parties appeared before the learned Judicial Magistrate First Class, Rohtak and their statements were recorded on 16.11.2017. Respondent No.2 stated that she has amicably resolved the entire dispute with the petitioner in the presence of Panchayat out of her own free will without any kind of pressure or coercion. Pendency of the petition under Section 13B of the Hindu Marriage Act, 1955 is mentioned. Respondent No.2 stated that she has no objection in case the abovesaid FIR against the accused petitioners is quashed. Statement of the petitioner was recorded alongwith the statement of respondent No.2. Statement of HC Rakesh Kumar was recorded on 21.11.2017 to the effect that the petitioner is not a proclaimed offender and is not

involved in any other criminal case.

As per report dated 07.12.2017 received from the learned Judicial Magistrate First Class, Rohtak, satisfaction is expressed that the compromise between the parties is genuine and an outcome of free will of the parties without any coercion. 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. 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, on instructions from ASI Suresh Kumar, 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. 0319 dated 08.11.2016 under Sections 323/406/498A/506 IPC, registered at Police Station Purani Sabzi Mandi, Rohtak alongwith all consequential proceedings are, hereby, quashed.

May 18 , 2018.
'om'

(LISA GILL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No