

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

**Crl. Misc. No. M-39722 of 2017
Date of Decision : April 02, 2018**

Ashwani GargPetitioner

Versus

State of Haryana and another Respondents

CORAM : HON'BLE MRS. JUSTICE LISA GILL

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Present: Mr. Vikas Bishnoi, Advocate
for the petitioner.

Mr. Ashok S. Chaudhry, Addl. A.G. Haryana.

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LISA GILL, J. (Oral)

Prayer in this petition is for quashing of FIR No.52 dated 20.06.2016 under Sections 498-A, 406, 506, 34 IPC registered at Women Police Station, District Fatehabad, along with all other consequential proceedings arising therefrom on the basis of compromise dated 11.09.2017 (Annexure P2) arrived at between the parties.

The above-said FIR was registered at the instance of respondent No.2 due to matrimonial discord with her husband i.e. the petitioner.

Learned counsel for the petitioner and respondent No.2 submit that petition under Section 13-B of the Hindu Marriage Act, 1955 filed by their respective clients has since been allowed on 03.02.2018. Respondent No.2 does not wish to pursue the matter any longer.

Pursuant to order dated 10.01.2018, the parties appeared before

recorded on 03.02.2018. Respondent No.2 stated that the matter has been compromised by her with her husband i.e. the petitioner. Copy of the compromise was tendered as Ex.C1. Respondent No.2 stated that the matter has been settled out of her own free will, without any kind of pressure or coercion and she does not wish to continue with the present proceedings. She has no objection to the quashing of the above-said FIR against the petitioner. It is mentioned that respondent No.2 has withdrawn the proceedings under the Protection of Women from Domestic Violence Act, 2005. Statement of the petitioner in respect to the compromise was also recorded.

As per report dated 30.03.2018 received from the learned Chief Judicial Magistrate, Fatehabad, satisfaction is expressed that the settlement between the parties is genuine, valid, voluntarily arrived at without any coercion or undue influence. The petitioner is not reported to be a proclaimed offender. Statements of the parties are appended along with the said report.

Learned counsel for respondent No.2 reaffirms and verifies the factum of settlement between the parties as well as the fact that petition under Section 13-B of the Hindu Marriage Act, 1955 has since been allowed. It is reiterated that respondent No.2 has no objection to the quashing of the above-mentioned FIR against the petitioner.

Learned counsel for the State has not raised any serious objection to the quashing of the aforesaid 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.52 dated 20.06.2016 under Sections 498-A, 406, 506, 34 IPC registered at Women Police Station, District Fatehabad, along with all consequential proceedings are, hereby, quashed.

02.04.2018
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(LISA GILL)
JUDGE

Note: Whether speaking/reasoned
Whether Reportable:

Yes / No
Yes / No