

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

Criminal Misc. No.M- 40911 of 2017 (O&M)

Date of decision : February 14, 2018

Imran and others

.....Petitioners

Versus

State of Haryana and another

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Jagjot Singh, Advocate for
Mr. Kunal Dawar, Advocate
for the petitioners.

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

Mr. Rohit Rana, Advocate
for respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No. 442 dated 13.12.2012 under Sections 498A, 506, 34 IPC, registered at Police Station Suraj Kund, Faridabad 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., petitioner No.1. It is informed by learned counsel for the petitioners and respondent No. 2 that petitioner No. 1 and respondent No. 2 have resumed matrimonial ties and both of them are living together in the matrimonial home alongwith their three minor children. The parties wish to live in peace and harmony and put an end to the acrimony between them. The present petition has been filed on the basis of this compromise.

This Court on 31.10.2017 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 31.10.2017, the parties appeared before the learned Judicial Magistrate First Class, Faridabad and their statements were recorded on 14.12.2017. Respondent No.2 stated that she has compromised the matter with all the accused petitioners. She has decided to live together with her husband. The compromise, it is stated, has been arrived at out of her own free will, without any fear or pressure. Respondent No.2 further stated that she has no objection to the quashing of the abovesaid FIR qua the petitioners. A joint statement of the petitioners in respect to the compromise was also recorded.

As per report dated 16.12.2017 received from the learned Judicial Magistrate First Class, Faridabad, satisfaction is expressed that the compromise between the parties is genuine, voluntary, arrived at out of the free will of the parties, without any coercion and undue influence. None of the petitioners is 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 petitioners.

Learned counsel for the State, on instructions from ASI Ved Parkash, submits that as the abovesaid FIR arises out of a matrimonial dispute, the State has no 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 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. 442 dated 13.12.2012 under Sections 498A, 506, 34 IPC, registered at Police Station Suraj Kund, Faridabad 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(s) or it is found that the settlement was a mere ruse to have the aforesaid FIR quashed.

February 14, 2018

rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No