

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

Criminal Misc. No.M- 41274 of 2017 (O&M)

Date of decision : February 23, 2018

Dinesh Singh Dhillon and anotherPetitioners

Versus

State of Haryana and anotherRespondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Dharampal Gill, Advocate
for the petitioners.

Mr. Anmol Malik, AAG, Haryana.

Mr. N.S. Shekhawat, Advocate
for respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No. 0547 dated 11.11.2016 under Sections 323, 498A, 506, 34 IPC registered at Police Station Badshahpur, District Gurgaon and all other consequential proceedings arising therefrom on the basis of a compromise arrived at between the parties before the Mediation and Conciliation Centre of this Court on 04.05.2017 (Annexure P-2).

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 submitted that the matter was amicably resolved by the parties before the Mediation and Conciliation Centre of this Court. Pursuant thereto, petition under Section 13B of the Hindu Marriage Act was filed. Statements of the parties at second motion

have also been recorded on 22.01.2018 and the matter is now listed for 12.03.2018. Statements of the parties recorded at second motion produced in Court today are taken on record, subject to just exceptions.

This Court on 09.11.2017 directed the parties to appear before the learned Chief Judicial Magistrate, Gurgaon for recording their statements in respect to the above-mentioned compromise. Learned Chief Judicial Magistrate, Gurgaon 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 Chief Judicial Magistrate, Gurgaon 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 09.11.2017 the parties appeared before the learned Chief Judicial Magistrate, Gurgaon and their statements were recorded on 18.12.2017. Respondent No.2 stated that she has compromised the matter with both the petitioners out of her own free will, without any kind of pressure. Respondent No.2 stated that she has no objection to the quashing of the abovesaid FIR qua both the petitioners. A joint statement of both the petitioners in respect to the compromise was also recorded. Statement of LASI Reena Devi was recorded as well.

As per report dated 08.01.2018 received from the learned Chief Judicial Magistrate, Gurgaon satisfaction is expressed that the

compromise between the parties is genuine, arrived at voluntarily by the parties, without any kind of pressure or coercion. 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. Learned counsel for respondent No. 2 further affirms that the entire settled amount has been received by respondent No. 2 and she has no objection to the quashing of the abovementioned FIR against the petitioners.

Learned counsel for the State, on instructions from SI Sunita, 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. 0547 dated 11.11.2016 under Sections 323, 498A, 506, 34 IPC registered at Police Station Badshahpur, District Gurgaon 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 23, 2018
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No