

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

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**Criminal Misc. No. M-41615-2017
Date of Decision: May 15, 2018.**

SUDARSHAN SHARMA & ANR.

..... PETITIONERS

Versus

STATE OF HARYANA AND ANR

..... RESPONDENTS

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. HPS Ghuman, Advocate for
Mr. K.S. Sidhu, Advocate,
for the petitioners.

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

Mr. Rajpreet Singh Sidhu, Advocate
for the complainant/respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.31 dated 10.10.2015 under Sections 406, 498A, 506, 34 and 377 of Indian Penal Code (Section 377 IPC was added later deleted) registered at Police Station Women Police Station, Faridabad, alongwith all consequential proceedings arising therefrom on the basis of a compromise arrived at between the parties.

It is submitted that the abovesaid FIR was registered against the petitioners at the instance of respondent No. 2 due to matrimonial discord with her husband-petitioner No. 1.

Learned counsel for the petitioner and respondent No. 2/complainant submit that petition under Section 13-B of the Hindu Marriage Act, 1955 filed by

their respective clients has since been allowed. The entire settled amount has been received by respondent No. 2/complainant. It is, thus prayed that the above said FIR be quashed.

This Court on 03.11.2017 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 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 03.11.2017, the parties appeared before the learned Judicial Magistrate Ist Class, Faridabad and their statements were recorded on 13.11.2017. Respondent No.2 stated that the matter has been amicably resolved with the petitioners, out of her own free will without any pressure or coercion. Respondent No.2 further stated that she has no objection in case the abovesaid FIR against the petitioners is quashed. Joint statements of the petitioners in respect to the settlement were recorded as well.

As per report dated 11.12.2017 received from the learned Judicial Magistrate Ist Class, Faridabad, satisfaction is expressed that the compromise between the parties is genuine and voluntary, arrived at without any fear, coercion or undue influence. None of the petitioners are reported to be 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 in case the abovementioned FIR is quashed in view of the settlement between the parties.

Learned counsel for the State, on instructions, 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.31 dated 10.10.2015

under Sections 406, 498A, 506, 34 and 377 of Indian Penal Code (Section 377 IPC was added later deleted) registered at Police Station Women Police Station, Faridabad, alongwith all consequential proceedings are, hereby, quashed.

May 15, 2018
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(LISA GILL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No