

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

**Crl. Misc. No. M-41689 of 2017
Date of Decision : March 06, 2018**

Parmod SinghPetitioner

Versus

State of Haryana and others Respondents

CORAM : HON'BLE MRS. JUSTICE LISA GILL

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Present: Mr. Kanhiya Soni, Advocate for
Mr. Nipun Vashist, Advocate
for the petitioner.

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

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LISA GILL, J. (Oral)

Prayer in this petition is for quashing of FIR No.463 dated 18.11.2013 under Sections 498-A, 406, 323, 504, 506, 34 IPC registered at Police Station Dharuhera, District Rewari on the basis of compromise dated 18.10.2017 (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. It is submitted that due to intervention of respectable members of the society, the matter has been amicably resolved. The terms and conditions of settlement were reduced into writing on 18.10.2017 (Annexure P-2).

It is informed that petitioner and his wife-respondent No.2 are now living together after resumption of matrimonial ties.

Pursuant to order dated 20.12.2017, the parties appeared before

the learned Chief Judicial Magistrate, Rewari on 08.01.2018 and their statements were recorded. Respondent No.2 stated that she has compromised the matter with the accused-petitioner out of her own free will with the intervention of respectable members of the society. It is specifically stated that respondent No.2 does not wish to continue with the proceedings arising out of the above said FIR and has no objection in case the same is quashed. Statement of the petitioner in respect to the compromise was also recorded.

As per report dated 10.01.2018 received from the learned Chief Judicial Magistrate, Rewari, satisfaction is expressed that the settlement between the parties is genuine, voluntary and without any coercion or undue influence. It is stated that though three persons were named in the FIR, it is only the petitioner who is being proceeded against. None of the accused is 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. It is reiterated that respondent No.2 has no objection to the quashing of the above-mentioned FIR against the petitioner subject to adherence to the terms and conditions of the settlement by the petitioner in letter and spirit.

Learned counsel for the State, on instructions from HC Sunil Kumar, submits that as the above-said 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 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. .463 dated 18.11.2013 under Sections 498-A, 406, 323, 504, 506, 34 IPC registered at Police Station Dharuhera, District Rewari is 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 or it is found that the settlement was a mere ruse to have the aforesaid FIR quashed.

06.03.2018
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(LISA GILL)
JUDGE

Note: Whether speaking/reasoned
Whether Reportable:

Yes / No
Yes / No