

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

Criminal Misc. No.M- 42015 of 2017 (O&M)

Date of decision : February 19, 2018

Vikas Rakha and others

.....Petitioners

Versus

State of Haryana and another

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Atul Goyal, Advocate
for the petitioners.

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

Mr. Saurabh Kapoor, Advocate for
Mr. Nipul Vashist, Advocate
for respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No. 20 dated 02.02.2017 under Sections 406, 498A, 354, 506, 34 IPC registered at Police Station Women, District Gurgaon alongwith consequential proceedings arising therefrom on the basis of settlement/agreement dated 31.05.2017 (Annexure P-3) arrived at between the parties before the Mediation and Conciliation Centre of this Court.

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 that petition under Section 13B of Hindu Marriage Act, 1955 ('the Act' – for short) filed by petitioner No. 1 and respondent No. 2 has been allowed today itself by the learned Family Court, Gurugram and the entire settled amount has been handed over to respondent No. 2.

This Court on 08.11.2017 directed the parties to appear before learned trial court for recording their statements in respect to the above-

mentioned compromise. Learned trial court 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 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 08.11.2017, the parties appeared before the learned Judicial Magistrate First Class, Gurugram and their statements were recorded on 18.01.2018. Respondent No.2 stated that the matter has been amicably resolved by her 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 all the petitioners. Joint statement of the petitioners in respect to the compromise was recorded.

As per report dated 18.01.2018 received from the learned Judicial Magistrate First Class, Gurugram, satisfaction is expressed that the compromise between the parties is genuine, valid, arrived at out of the free will of the parties. None of the petitioners are reported to be proclaimed offenders/persons. 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 as well as passing of decree in the petition under Section 13B of the Act. It is informed that the entire settled amount has been received by respondent No. 2, who has no objection to the quashing of the abovementioned FIR against the petitioners.

Learned counsel for the State 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. 20 dated 02.02.2017 under Sections 406, 498A, 354, 506, 34 IPC registered at Police Station Women, District Gurgaon alongwith all consequential proceedings are, hereby, quashed.

February 19, 2018
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No