

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

CRM-M-42131 of 2017 (O&M)

Date of Decision:11.01.2018

Ashish Jain and another

..... Petitioners

Versus

State of Haryana and another

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Abhimanyu Singh, Advocate
for the petitioners.

Mr. Sanjay K. Saini, AAG, Haryana.

Mr. Sanjay Verma, Advocate
for respondent no.2.

LISA GILL, J(Oral).

Prayer in this petition is for quashing of FIR No.979 dated 20.11.2014, under Sections 406, 498-A, 323, 506, 34 IPC, registered at Police Station Civil Lines, District Gurgaon, along with all other consequential proceedings arising therefrom on the basis of joint statement of the parties before the learned District Judge, Family Court, Gurugram on 20.09.2017 (Annexure P-3).

It is submitted that the above-said FIR was registered at the instance of respondent No.2 due to matrimonial discord with her husband-petitioner no.1. It is informed that petition under Section 13-B of the Hindu Marriage Act, 1955 filed by petitioner no.1 and respondent no.2 has since been allowed on 14.12.2017. The entire settled amount has been handed over to respondent no.2. Therefore, it

is prayed that this petition be allowed.

Certified copy of the judgment and decree dated 14.12.2017 passed by the learned Principal District Judge, Family Court, Gurugram, produced in Court today is taken on record subject to just exceptions.

This Court on 08.11.2017 directed the parties to appear before the learned trial court for recording of 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 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 Ist Class, Gurugram, and their statements were recorded on 12.12.2017. Respondent No.2 stated that the matter has been amicably resolved by her with the accused-petitioners out of her own free will, without any kind of pressure, fear or coercion. It is further stated that a decree of divorce has been granted to them by the learned Family Court on 14.12.2017 itself. Respondent no.2 stated that she does not wish to proceed against the petitioners any longer and has no objection in any case the abovesaid FIR against both the petitioners is quashed. Joint statements of the petitioners was recorded.

As per report dated 14.12.2017, received from the learned Judicial Magistrate Ist Class, Gurugram, satisfaction is expressed that the compromise between the parties is genuine, arrived at out of the free will of the parties, without any force or coercion. None of the petitioners is reported to be a proclaimed offender.

Learned counsel for respondent No.2 affirms 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 petitioners in view of the settlement between the parties.

Learned counsel for the State has not raised any serious 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.979 dated 20.11.2014, under Sections 406, 498-A, 323, 506, 34 IPC, registered at Police Station Civil Lines, District Gurgaon, along with all consequential proceedings are, hereby, quashed.

11.01.2018

s.khan

[LISA GILL]
Judge

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.