

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

Criminal Misc. No. M- 44136 of 2017(O&M)

Date of Decision: February 08 , 2018.

Dinesh Kumar

..... PETITIONER(s)

Versus

State of Haryana and another

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Ms. Kamlesh, Advocate
for the petitioner.

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

Mr. Dilpreet Singh, Advocate for
Mr. Parminder Singh, Advocate
for the complainant/respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.83 dated 11.05.2017 under Sections 323/34/406/498A/506 IPC, registered at Police Station Alewa, District Jind and all other consequential proceedings arising therefrom on the basis of a compromise arrived at between the parties.

The abovesaid FIR was registered at the instance of respondent No.2 due to matrimonial discord with her husband i.e., the petitioner. With the intervention of respectables and relatives, a compromise was arrived at between the parties, which is attached with this petition as Annexure P2. IT is submitted that the petitioner and respondent No.2 have resumed matrimonial ties and they

are living together at the matrimonial home alongwith their minor child.

This Court on 22.11.2017 directed the parties to appear before learned trial court/Illaqa Magistrate for recording their statements in respect to the above-mentioned compromise. Learned trial court/Illaqa 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/Illaqa Magistrate was also directed to intimate whether the petitioner is absconding/proclaimed offender and whether any other case is pending against him. Information was sought as to whether all affected persons are a party to the settlement.

Pursuant to order dated 22.11.2017, the parties appeared before the learned Judicial Magistrate First Class, Jind and their statements were recorded on 24.11.2017. Respondent No.2 stated that she has amicably resolved the dispute with the petitioner, her husband and is now residing with him. It is further stated that it has been decided that she and her husband would not go to the in-laws' house at village Kachhwa without permission of her father-in-law or ask for any share in his self-acquired property. It is stated that the compromise (Ex.C-1) has been arrived at out of her own free and she longer wishes to pursue the proceedings and she has no objection in case the abovesaid FIR against the accused petitioner as well as two others named in the FIR (not proceeded against) is quashed. Statements of the petitioner as well as Mohinder Kumar (not proceeded against) in respect to the settlement were recorded as well.

As per report dated 29.11.2017 received from the learned Judicial Magistrate First Class, Jind, it is opined that the compromise between the parties

is genuine, arrived at out of their own free will without any pressure, threat or undue influence. The petitioner is not 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. It is reiterated that respondent No.2 has no objection to the quashing of the abovementioned FIR against the petitioner, subject to his strict adherence to the terms and conditions of the settlement.

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 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.83 dated 11.05.2017 under Sections 323/34/406/498A/506 IPC, registered at Police Station Alewa, District Jind 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 or it is found that the settlement was a mere ruse to have the aforesaid FIR quashed.

February 08 , 2018.
'om'

**(LISA GILL)
JUDGE**

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