

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

Criminal Misc. No. M- 45902 of 2017(O&M)

Date of Decision: April 24 , 2018.

Shri Ram and another

..... PETITIONER(s)

Versus

State of Haryana and another

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Bhupinder Banga, Advocate
for the petitioners.

Mr. Anmol Malik, AAG, Haryana.

Mr. Imran Ahmed Ali, Advocate
for respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.0064 dated 23.08.2016 under Sections 354(A)(1)/506 IPC, registered at Police Station Women, Hissar and all other consequential proceedings arising therefrom on the basis of a compromise arrived at between the parties.

It is submitted that the abovesaid FIR was registered at the instance of respondent No.2 primarily due to matrimonial dispute with her husband. Petitioner No.1 is the brother-in-law (Jeth) and petitioner No.2 is the father-in-law of respondent No.2. With the intervention of respectables and relatives, the matter has been amicably resolved between the parties, the terms of which were

reduced into writing on 14.11.2017 (Annexure P2). It is informed that respondent No.2 has started residing with her husband in the matrimonial home. FIR No.85 dated 11.11.2016 under Sections 323/34/406/498A IPC has been quashed by this Court vide order of even date on the basis of compromise. It is submitted that respondent No.2 no longer wishes to pursue the matter against the petitioner on account of the settlement arrived at between the parties.

This Court on 30.01.2018 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 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 30.01.2018, the parties appeared before the learned Judicial Magistrate First Class, Hisar and their statements were recorded on 06.02.2018. Respondent No.2 stated that she has compromised the matter with both the petitioners out of her own free will without any kind of pressure or coercion and she does not wish to continue with the present proceedings and she has no objection in case the abovesaid FIR against both the accused is quashed by this Court. Compromise dated 14.11.2017 was tendered as Annexure 'A'. Statements of the petitioners in respect to the settlement were recorded as

well.

As per report dated 16.02.2018 received from the learned Judicial Magistrate First Class, Hisar, satisfaction is expressed that the compromise between the parties has been arrived at out of their free will without any kind of pressure or inducement. None of the petitioners are not reported to be proclaimed offenders. 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 both the petitioners.

Learned counsel for the State, on instructions from ASI Nirmala, has raised no serious 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”.

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. 0064 dated 23.08.2016 under Sections 354(A)(1)/506 IPC, registered at Police Station Women, Hissar alongwith all consequential proceedings are, hereby, quashed.

April 24 , 2018.
'om'

**(LISA GILL)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No