

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

CRM-M No.47524 of 2017

Date of Decision: January 17, 2018

Pavitardeep Singh and others

..... Petitioners

Versus

State of Haryana and another

..... Respondents

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Ms. Harmanpreet Kaur, Advocate
for the petitioners.

Mr. Ashok S. Chaudhary, Addl. A.G., Haryana
for respondent No.1-State.

Ms. Kiran Bala Jain, Advocate
for respondent No.2.

LISA GILL J. (ORAL)

Prayer in this petition is for quashing of FIR No.5 dated 04.09.2015 under Sections 498-A, 506, 405, 34 IPC registered at Police Station Women Ambala, District Ambala along with all subsequent proceedings arising therefrom on the basis of compromise(Annexure P-2).

It is submitted that the afore-mentioned FIR was registered at the instance of respondent No.2 due to matrimonial discord with her husband i.e., petitioner No.1. However, with the intervention of respectables, the matter has been amicably resolved. The terms and conditions of settlement were reduced into writing (Annexure P-2). It is further submitted that petition under Section 13(B) of the Hindu Marriage Act filed by petitioner No.1 and respondent No.2 has since been allowed

on 15.12.2017. The entire settled amount, it is clearly mentioned in the said judgment has been handed over to respondent No.2.

Pursuant to order dated 13.12.2017 passed by this Court, the parties appeared before the learned Judicial Magistrate Ist Class, Ambala and their statements were recorded on 15.12.2017. Respondent No.2 stated that she has amicably resolved the matter with all the accused petitioners out of her own free will. It is stated that petition seeking divorce by mutual consent has also been filed and respondent No.2 has no objection in case the aforementioned FIR against all the accused petitioners is quashed. Joint statement of the petitioners in respect of the settlement was recorded as well.

As per report dated 19.12.2017 received from the learned Judicial Magistrate, Ist Class, Ambala, satisfaction is expressed that compromise between the parties is genuine and has been arrived at out of their own free will, without any pressure or coercion. None of the accused-petitioners are reported to be proclaimed offenders/persons.

Learned counsel for respondent No.2 reaffirms and verifies the factum of settlement between the parties. It is stated that she has no objection to the quashing of the aforementioned FIR against the petitioners.

Learned counsel for the State affirms and verifies the factum of settlement between the parties as well as passing of the judgment and decree dated 15.12.2017 in the proceedings under Section 13(B) of the Hindu Marriage Act. It is submitted 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.5 dated 04.09.2015 under Sections 498-A, 506, 405, 34 IPC registered at Police Station Women Ambala, District Ambala along with all subsequent proceedings arising therefrom on the basis of compromise(Annexure P-2) are, hereby, quashed.

January 17, 2018

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**(LISA GILL)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No