

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

Criminal Misc. No. M- 49062 of 2017(O&M)

Date of Decision: February 05 , 2018.

Keshav Verma and others

..... PETITIONER(s)

Versus

State of Haryana and another

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Tapan Yadav, Advocate
for the petitioners.

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

Mr. Lalit Narang, Advocate for
Mr. Johan Kumar, Advocate
for the complainant/respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.64 dated 02.02.2017 under Sections 498A/406/323/506/120B/376/34/216/180 IPC, registered at Police Station Meham 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 due to matrimonial discord with her husband i.e., petitioner No.1. It is submitted that the allegations against petitioner No.4 also emanate primarily from the matrimonial discord between the parties. The matter has been amicably resolved between the parties, the terms of which were reduced into

writing on 10.12.2017 (Annexure P3). Petition under Section 13B of the Hindu Marriage Act, 1955 has been filed by petitioner No.1 and respondent No.2. Their statements at first motion have been recorded in the said proceedings. A sum of ₹4.5 lakhs has been handed over to respondent No.2 and balance of the settled amount i.e., another sum of ₹4.5 lakhs shall be handed over to respondent No.2 at the time of recording of statements of the parties at second motion in the abovesaid petition. The petitioners undertake to handover the said amount to respondent No.2 on the stipulated date and further undertake to abide by the terms and conditions of the settlement arrived at between the parties. It is thus prayed that this petition be allowed.

Learned counsel for respondent No.2 reaffirms and verifies the factum of settlement between the parties and submits that respondent No.2 has no objection to the quashing of the abovementioned FIR against all the petitioners provided the petitioners strictly adhere to the terms and conditions of the settlement.

This Court on 21.12.2017 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 21.12.2017, the parties appeared before the learned Special Judge-cum-Additional Sessions Judge, Rohtak and their statements were recorded on 10.01.2018. Respondent No.2 stated that the matter has been amicably resolved with the accused petitioners during the pendency of the proceedings in CRM No.M-41422 of 2017 (Annexure P2) before this Court. It is submitted that the petition seeking divorce by mutual consent has been filed and statements of the parties at first motion in the said petition have been recorded. Respondent No.2 stated that she has no objection in case the abovesaid FIR against the accused petitioners is quashed. Joint statement of the petitioners in respect to the settlement was recorded as well.

As per report dated 12.01.2018 received from the learned Special Judge-cum-Additional Sessions Judge, Rohtak, satisfaction is expressed that the compromise between the parties is genuine and voluntary, arrived at out of the free will of the parties. None of the petitioners are reported to be proclaimed offenders. Statements of the parties are appended alongwith the said report.

Learned counsel for the State has not raised 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”.

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.64 dated 02.02.2017 under Sections 498A/406/323/506/120B/376/34/216/180 IPC, registered at Police Station Meham 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 petitioners or it is found that the settlement was a mere ruse to have the aforesaid FIR quashed.

February 05, 2018.
'om'

(**LISA GILL**)
JUDGE

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