

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

CRM-M-5301 of 2017 (O&M)

Date of Decision:21.02.2018

Manish Kishore Mishra and others

..... Petitioners

Versus

U.T. of Chandigarh and another

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Aanchal Thakur, Advocate
for the petitioners.

Ms. Ashima Mor, APP for U.T., Chandigarh.

Mr.P.S.Miglani, Advocate
for Mr. Ashok Bhardwaj, Advocate
for respondent no.2.

LISA GILL, J(Oral).

Prayer in this petition is for quashing of FIR No.53 dated 29.06.2016, under Sections 406, 498-A IPC, registered at Police Station Women, Chandigarh, along with all other consequential proceedings arising therefrom on the basis of compromise arrived at between the parties.

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 13.08.2017. The entire settled amount has been received by respondent no.2. Therefore, it is prayed that this petition be allowed.

This Court on 10.11.2017 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 offender 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 10.11.2017, the parties appeared before the learned Judicial Magistrate Ist Class, Chandigarh, on 22.11.2017. Respondent No.2 stated that the matter has been amicably resolved by her with all the accused persons. The terms and conditions of the settlement were reduced into writing which was produced as Ex.C-1. It is further mentioned that the compromise between the parties has been arrived at out of her own free will, without any kind of pressure and respondent no.2 has no objection whatsoever to the quashing of the aforementioned FIR against all the accused persons in view of the compromise arrived at between them. Joint statements of the petitioners were recorded.

As per report dated 22.11.2017, received from the learned Judicial Magistrate Ist Class, Chandigarh, satisfaction is expressed that the compromise between the parties is genuine, arrived at out of the free will of the parties, without any pressure, coercion or undue influence. Petitioners are not reported to be proclaimed

offenders.

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 petitioner subject to the petitioners strictly adhering to the terms and conditions of the settlement.

Learned counsel for the U.T. Chandigarh, 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.53 dated 29.06.2016, under Sections 406, 498-A IPC, registered at Police Station Women, Chandigarh, along with all consequential proceedings are, hereby, quashed.

21.02.2018

s.khan

**[LISA GILL]
Judge**

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.