

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

CRM-M No.5578 of 2017

Date of Decision: January 10, 2018

Geeta Devi

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Vikas Lochab, Advocate
for the petitioner.

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

Mr. Shiv Kumar Sharma, Advocate for
Mr. Ravi Chadda, Advocate
for respondents No.2 to 4.

LISA GILL J. (ORAL)

Prayer in this petition is for quashing of FIR No.3 dated 17.01.2015 under Sections 498-A, 506, 294, 323, 34 IPC and 65 of IT Act, 2000 registered at Police Station Women Police Station, District Sonapat along with all consequential 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 the petitioner due to matrimonial discord with her husband i.e., respondent No.2. However, with the intervention of respectables, the matter has been amicably resolved. The terms and conditions of settlement were reduced into writing. The petitioner and respondent No.2 had resumed matrimonial ties and they are living together since 12th December 2016. It is further submitted that the petitioner while appearing as PW-1 before the learned trial Court on 24.03.2017 stated that the matter has

been amicably resolved and she is residing with her husband in her matrimonial home.

Pursuant to order dated 26.05.2017, the parties appeared before the learned Judicial Magistrate First Class, Sonapat and their statements were recorded on 10.07.2017. The statement of petitioner's father-Randhir Singh was recorded to the effect that the matter has been amicably resolved between the parties. The petitioner was living together at her matrimonial home after the compromise (Exhibit P-1). It is further stated that the petitioner has already recorded her statement as PW-1 before the learned trial Court. Joint statement of respondents No.2 to 4 in respect of the settlement was recorded as well.

As per report dated 21.07.2017 received from the learned Judicial Magistrate First Class, Sonapat, satisfaction is expressed that compromise between the parties is genuine and has been arrived at voluntary, without any pressure or coercion. None of the accused are reported to be proclaimed offenders.

Learned counsel for the petitioner reiterates that his client has no objection to the quashing of the afore-mentioned FIR against all the accused persons.

Learned counsel for respondents No.2 to 4 reaffirms and verifies the factum of settlement between the parties. They undertake that the petitioner shall be afforded all love and affection in the matrimonial home.

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 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.3 dated 17.01.2015 under Sections 498-A, 506, 294, 323, 34 IPC and 65 of IT Act, 2000 registered at Police Station Women Police Station, District Sonapat along with all consequential proceedings arising therefrom on the basis of compromise (Annexure P-2) are, hereby, quashed.

January 10, 2018

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**(LISA GILL)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No