

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

265

**Criminal Misc. No. M-6192-2017 (O&M)
Date of Decision: May 22, 2018.**

Mukesh Kumar Taneja and ors.

..... PETITIONERS

Versus

State of Haryana and anr.

..... RESPONDENTS

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Manuj Nagrath, Advocate,
for the petitioners.

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

None for respondent No. 2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.62 dated 16.03.2014 under Sections 323/406/498-A/506 IPC registered at Police Station Ambala Sadar, District Ambala and all other consequential proceedings arising therefrom on the basis of a compromise arrived at between the parties.

The abovesaid FIR was registered at the instance of respondent No.2 due to matrimonial discord with her husband i.e., petitioner No. 1.

Learned counsel for the petitioners submits that the matter has been amicably resolved between the parties and in pursuant thereto. 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 11.02.2017. The entire settled amount has been received by respondent No. 2/complainant. It is thus, prayed

that this petition be allowed. Copy of judgment and decree dated 11.02.2017, passed by learned District Judge, Family Court, Ambala, filed in Court today, is taken on record subject to just exceptions.

This Court on 23.02.2017/22.05.2017 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 the petitioners is absconding/proclaimed offender and whether any other case is pending against him. Information was sought as to whether all affected persons are a party to the settlement.

Pursuant to order dated 23.02.2017/22.05.2017, the parties appeared before the learned Judicial Magistrate First Class, Ambala and their statements were recorded on 03.07.2017. Respondent No.2 stated that the matter has been amicably resolved with the petitioners, arrived at out of her own free will without any pressure, undue influence or coercion. Respondent No. 2 further stated that petition under Section 13-B of the Hindu Marriage Act, stood allowed and she had no objection in case the abovesaid FIR against the accused/petitioners is quashed. Joint statements of the petitioners in respect to the settlement were recorded as well.

As per report dated 15.07.2017 received from the learned Judicial Magistrate First Class, Ambala, satisfaction is expressed that the compromise between the parties is genuine and arrived out of their own free will without any

pressure or coercion. Statements of the parties are appended alongwith the said report. It is noted by the learned Judicial Magistrate Ist Class, Ambala that one of the co-accused, namely, Taruna Taneja had died on 21.04.2014 and other two accused persons, namely, Amit Grover and his wife Pooja Grover were found innocent. None of the accused/petitioners are reported to be proclaimed offenders.

Learned counsel for the State, on instructions from ASI Rajpal, verifies the factum of settlement between the parties, the State has no 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.62 dated 16.03.2014 under Sections 323/406/498-A/506 IPC registered at Police Station Ambala Sadar, District Ambala alongwith all consequential proceedings are, hereby, quashed.

May 22, 2018
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(LISA GILL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No