

IN THE HIGH COURT OF PUNJAB AND HARYANA

CRM-M-23631-2020

YOGESH NIBHAL AND ORS
Versus

STATE OF HARYANA AND ANR

...Respondents

Present: Mr. Rajnikant Upadhyay, Advocate for the petitioners.

Mr. Gagandeep Singh Chhina, AAG, Haryana.

Mr. Ketan Antil, Advocate for respondent No. 2.

LISA GILL, J.

This matter is being taken up for hearing through video conferencing due to outbreak of the pandemic, COVID-19.

Prayer in this petition is for quashing of FIR No. 67 dated 09.08.2016, under Sections 406, 498-A, 354, 506, 511, 34 IPC, registered at Police Station Women District Sonipat, along with consequential proceedings arising therefrom on the basis of a compromise dated 08.07.2020 (Annexure P-2), 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.

With the intervention of respectables and relatives, a compromise has been arrived at between the parties, the terms of which were reduced into writing on 08.07.2020. The parties wish to live in peace and harmony and put an end to the acrimony between them. The present petition has been filed on the basis of this compromise.

It is informed that petition under Section 13B of Hindu Marriage Act, 1955 has been filed by petitioner No. 1 and respondent No. 2. Their statements at first motion were recorded and the matter has been listed for 09.02.2021 for recording of statements of the parties at second motion.

The parties were directed vide order dated 21.08.2020 to appear before learned trial court/Illaqa Magistrate for recording their statements in respect to the above-mentioned compromise. Learned trial court/Illaqa 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/Illaqa Magistrate 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 orders dated 21.08.2020, the parties appeared before the learned Judicial Magistrate First Class, Sonipat and their statements were recorded on 03.09.2020. All the parties stated that the matter has been compromised by them out of their own free will, without any pressure or coercion. Statements of the parties in respect to the compromise were recorded.

As per report dated 03.09.2020 received from the learned Judicial Magistrate First Class, Sonipat, satisfaction is expressed that the compromise between the parties is genuine, arrived at out of free will of the parties, without any coercion or undue influence. The complainant has stated that the settlement arrived at between the parties is out of her own free will, without any pressure, undue influence

and misrepresentation and she has no objection if this FIR is quashed. Statements of the parties are appended alongwith the said report.

Learned counsel for the State submits that the matter 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”.

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.

The petition is, thus, allowed and FIR No. 67 dated 09.08.2016, under Sections 406, 498-A, 354, 506, 511, 34 IPC, registered at Police Station Women District Sonipat, alongwith all consequential proceedings are, hereby, quashed.

November 02, 2020
rts

(Lisa Gill)
Judge

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