

(Through Video Conferencing)

CRM-M No.51593 of 2019

Date of Decision: 24.08.2020

Raj Saini and others

.....Petitioners

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAURPresent: Mr. Kunal Dewar, Advocate,
for the petitioners.

Ms. Tanushree Gupta, Deputy Advocate General, Haryana.

None for respondent No.2.

NIRMALJIT KAUR, J. (ORAL)

The present petition has been filed for quashing of the FIR No.1010 dated 08.11.2017 under Sections 498-A/406/323/506/34 IPC, Police Station Sarai Khwaja, Faridabad, Haryana alongwith subsequent proceedings arising therefrom, on the basis of compromise.

It is stated that the marriage of petitioner No.3 was solemnized with respondent No.2 on 22.11.2015 at Faridabad according to Hindu rites and ceremonies, after the marriage both petitioner No.3 and respondent No.2 lived together as husband and wife and cohabited at Singapore, but no child was born out of the legal wedlock. On account of matrimonial discord, respondent No.2 wife left the matrimonial home in the month of March 2017, thereafter FIR (Annexure P-1) was got registered by the complainant. After investigation challan against the present petitioners has been filed, the case is at the stage of prosecution witnesses. Now with the intervention of respectable persons a compromise has been affected between petitioner No.3 and respondent No.2 amicably without any force/pressure from any quarter and the parties have decided to settle the issues.

On 15.01.2020, the parties were directed to appear before the Principal Judge, Family Court, Faridabad and the trial Court/Illaq Magistrate on 21.01.2020 to get recorded their statements regarding compromise and after recording their statements, the trial Court/Illaq Magistrate was directed to send report regarding the genuineness of compromise and also to intimate whether any PO proceedings are pending against any of the party on or before the date fixed i.e. 17.03.2020.

Now, in compliance of order dated 15.01.2020, report dated 27.01.2020 of Judicial Magistrate Ist Class, Faridabad, has been received stating therein that the compromise was genuine, voluntarily and without any coercion or undue influence and the matter has been amicably settled amongst them. Statements of parties are also placed on record.

In view of this, this Court is satisfied that the compromise is genuine.

In pursuance of the compromise, parties have also filed an petition under Section 13 (B) of Hindu Marriage Act for decree of divorce by Mutual Consent, which is pending for 05.12.2019. Though, the offences under Sections 406 and 498-A IPC are not compoundable but Hon'ble Supreme Court in **B.S. Joshi and others Versus State of Haryana and another**, 2003(2) RCR (Criminal) 888 held that in case of matrimonial disputes, High Court may quash the proceedings where parties settle their disputes as it is the duty of the Court to encourage genuine settlement of matrimonial disputes.

Hon'ble Supreme Court in the case of **Madan Mohan Abbot Versus State of Punjab**, 2008 (2) RCR (Criminal) 429, wherein it has been observed as under:-

“We need to emphasize that it is perhaps advisable that in disputes where the question involved is of a purely personal nature, the Court should ordinarily accept the terms of the compromise even in criminal proceedings as keeping the matter alive with no possibility of a result in favour of the prosecution is a luxury which the Courts, grossly overburdened as they are, cannot afford and that the so saved can be utilized in deciding more effective and meaningful litigation.

That a Five Judge Bench of our own High Court in **Kulwinder Singh and others Versus State of Punjab and another**, 2007 (3) RCR (Criminal) 1052, has stated that “The compromise, in a modern society, is the sine qua non of harmony and orderly behavior. It is the soul of justice and if the power under Section 482 of the Cr.P.c. 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”.

In view of the above, this Court has no inhibition in accepting the the compromise and to quash the FIR on the basis of said compromise. Accordingly, the present petition is allowed and the FIR No.1010 dated 08.11.2017 under Sections 498-A/406/323/506/34 IPC, Police Station Sarai Khwaja, Faridabad, Haryana alongwith subsequent proceedings arising therefrom are quashed.

It goes without saying that the parties will be bound by the said compromise.

(NIRMALJIT KAUR)
JUDGE

24.8.2020
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Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No