

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM No. M-45568 of 2016 (O&M)
Date of decision: 28.04.2017

Naveen Kumar and others Petitioners.
Versus
State of Haryana and another Respondents.

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Jai Bhagwan Sharma, Advocate, for the petitioners.

Mr. Sanjay K. Saini, AAG, Haryana.

Mr. B.S. Saini, Advocate, for respondent No.2.

LISA GILL, J.

This petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of FIR No. 313 dated 03.08.2014 (**Annexure P-1**) registered under Sections 498-A and 406 of the Indian Penal Code (for short 'IPC') at Police Station Sadar Rohtak and all other consequential proceedings arising therefrom on the basis of an amicable settlement arrived at between the parties.

The above said FIR was registered at the behest of respondent No. 2-Smt. Manisha. The dispute arose between the parties because of matrimonial discord between petitioner No. 1-Naveen Kumar and respondent No.2- Manisha.

With the intervention of respectables, elders and relatives, the matter has been amicably resolved between the parties. It is submitted that petitioner No.1 and respondent No.2 have decided to part ways.

This Court on 08.03.2017 directed the parties to appear before the learned Illaqa Magistrate/trial Court on 24.03.2017 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 threat, coercion or undue pressure. Learned Illaqa Magistrate/trial court was directed to intimate whether the petitioners are proclaimed offenders and whether any other case is pending against them.

Pursuant to order dated 08.03.2017, the parties appeared before the learned Judicial Magistrate 1st Class, Rohtak and their statements were recorded on 24.03.2017. Respondent No.2-Smt. Manisha has stated that the matter has been amicably resolved with all the accused-petitioners. The settlement has been arrived at out of her own free will, without any pressure or fear from any corner. A petition under Section 13- B of the Hindu Marriage Act,1955 has been filed by her along with her husband. A cheque dated 05.11.2016 for an amount of Rs. 8 lakhs was received by her. She has stated that she has no objection in case the above said FIR against all the petitioners is quashed. A joint statement of all the petitioners in respect to the settlement was recorded.

As per report dated 03.04.2017, submitted by the learned Judicial Magistrate 1st Class, Rohtak, it is opined that the settlement between the parties is valid, arrived at out of the free will of the parties, without any pressure or coercion. All the accused persons have been arrayed as petitioners in this petition. None of them have been declared to be proclaimed offenders and neither are any such proceedings pending against them.

Learned counsel for the complainant/respondent No.2 reaffirms and verifies the factum of settlement between the parties. It is stated that respondent No. 2 has no objection, whatsoever, to the quashing of the above mentioned FIR qua all the petitioners.

Learned counsel for the State on instructions from ASI Kuldeep, Police Station Sadar, Rohtak submits that the present being a matrimonial dispute, the State has no objection to the quashing of this FIR on the basis of a settlement 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.

In view of the above, 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 only lead to wastage of precious time of the court and would be an exercise in futility.

This petition is, thus, allowed and FIR No. 313 dated 03.08.2014 registered under Sections 498-A and 406 of the IPC at Police Station Sadar, Rohtak alongwith all consequential proceedings arising therefrom are hereby quashed qua the petitioners.

(LISA GILL)
JUDGE

28.04.2017

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