

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Criminal Misc. M- No. 23836 of 2014 (O&M)

250

Date of decision : 22.01.2015

Hardeep Singh and others

.....Petitioners

Versus

State of Punjab and another

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Rajinder Sharma, Advocate
for the petitioner.

Mr. P.S. Grewal, DAG, Punjab

None for respondent No. 2.

LISA GILL, J.

1. This petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of FIR No. 296 dated 12.11.2013 registered under Sections 406/498A Indian Penal Code (for short 'IPC') at Police Station Sultanwind District Amritsar and all other consequential proceedings arising therefrom on the basis of an amicable settlement arrived at between the parties.

2. Learned counsel for the petitioners seeks permission to withdraw this petition qua Parminder Kaur as she has wrongly been impleaded as a petitioner. She is not arrayed as an accused in FIR No. 296 dated 12.11.2013 registered under Sections 406/498A IPC at Police Station Sultanwind District Amritsar. This fact is affirmed by learned counsel for the State, on instructions from Head Constable Joginder Singh.

Petition is dismissed as withdrawn qua Parminder Kaur –

petitioner No. 5.

3. The above said FIR has been registered on the statement of Taranpreet Kaur - respondent No. 2 alleging commission of offences under Sections 406/498A IPC.

4. Due to the intervention of respectables, elders and friends, a compromise has been arrived at between the parties on 07.11.2013 (Annexure P-3). The parties wish to live in peace and harmony and put an end to the acrimony between them. Present petition has been filed on the basis of this compromise.

5. This FIR arises out of a matrimonial dispute between the parties, which has since been amicably resolved vide the abovementioned compromise/settlement.

6. This Court on 17.07.2014 had directed the parties to appear before learned trial court/Ilalaqa Magistrate on 21.08.2014. However, their statements could not be recorded on the said date and one more opportunity was granted to the petitioners for having their statements recorded on 25.11.2014.

7. Pursuant thereto, report dated 12.12.2014 has been received from learned Judicial Magistrate (First Class), Amritsar wherein it is stated that matter has been settled between the parties out of their own free will, volition and without undue influence or coercion of any kind. The compromise/settlement is observed to be a genuine one effected for their desire to live in peace and harmony. Copies of the statements of the parties have been appended alongwith the report.

8. On 11.11.2014, learned counsel for respondent No. 2 had confirmed the factum of settlement between the parties and had

submitted that respondent No. 2 had no objection to the quashing of this FIR on the basis of this settlement.

9. Learned counsel for the State, on instructions from Joginder Singh, has affirmed and verified the settlement between the parties. Learned counsel for the State has no objection to the quashing of this FIR on the basis of a settlement as the dispute stems from matrimonial discord.

10. 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”.

11. 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 continuing the present proceedings. It will only lead to wastage of the precious time of the court and would be an exercise in futility.

12. This petition is, thus, allowed and FIR No. 296 dated 12.11.2013 registered under Sections 406/498A IPC at Police Station Sultanwind District Amritsar alongwith all consequential proceedings are, hereby, quashed.

January 22, 2015
rts

(LISA GILL)
JUDGE