

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

CRM-M-24633 of 2014

Date of Decision: 19.01.2015.

Loveleen Masih and another PETITIONER (s)

Versus

State of Punjab and another RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Sukhbir Singh, Advocate
for the petitioners.

Mr. P.S. Grewal, DAG, Punjab
for respondent No.1.

Mr. Vishal Goel, Advocate for
Mr. J.S. Thind, Advocate for respondent No.2.

LISA GILL, J.(Oral)

This petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of the FIR No.112 dated 24.04.2013, under Sections 498-A, 120-B IPC, registered at Police Station Civil Lines, Amritsar, on the basis of compromise dated 24.06.2012 (Annexure P-2).

The above said FIR had been registered on the basis of a statement made by Neeru Bala, respondent No.2 alleging the commission of offences punishable under Sections 498-A, 120-B IPC against the petitioners.

Petitioner No.1 and respondent No.2 are husband

and wife. There are two children born out of this wedlock. The dispute have arisen from a matrimonial discord.

On the intervention of respectables, elders and friends, a compromise has been arrived at between the parties on 24.06.2012 (Annexure P-2). The matter has been amicably settled between the parties. The parties wish to live in peace and harmony and want to put an end to the acrimony between them.

This court on 19.08.2014 directed both the parties to appear before the learned Illaqa Magistrate on 15.09.2014 to get their statements recorded with regard to genuineness of compromise. On appearance of parties, the Illaqa Magistrate was directed to record their statements with regard to the compromise on the date fixed or some other date to be fixed by it and submit report to this Court by the next date by specifically stating whether the compromise is genuine and also state about the status/stage of the case.

Pursuant thereto, report dated 01.10.2014 has been received from the learned Chief Judicial Magistrate, Amritsar. It is observed therein that the compromise/settlement has been arrived at between the parties without any fear, pressure or allurements. The petitioners are not proclaimed offenders and no other case is pending against them. Photocopies of statements of the parties have been appended along with the report.

Mr. Vishal Goel, Advocate for Mr. J.S. Thind, Advocate, puts in appearance on behalf of respondent No. 2 and admits the factum of the said compromise/settlement between the parties. It is stated that respondent No.2-Neeru Bala has no objection to the quashing of the said FIR.

Learned counsel for the State on instruction from Head Constable Gurpreet Singh also affirms the factum of the settlement.

In Kulwinder Singh and others versus State of Punjab and another, 2007(3) R.C.R. 1052, a five member Bench of this court has observed,

“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 Code of Criminal Procedure 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 the present case, no useful purpose would be served by continuing the proceedings except wastage of precious time of the court. The chances of conviction are absolutely bleak, therefore, it is in the interest of justice to quash the above said FIR.

The present petition is, thus, allowed and FIR

No.112 dated 24.04.2013, under Sections 498-A, 120-B IPC, registered at Police Station Civil Lines, Amritsar , as well as consequential proceedings arising therefrom are hereby quashed.

19.01.2015.

Anoop

(LISA GILL)

JUDGE