

**IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH**

Crl. Misc. No. M- 36188 of 2014(O&M)

Date of Decision: January 30, 2015.

Vishal Sehgal and others

..... PETITIONER(s)

Versus

State of Punjab and another

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Gursimran Singh Bawa, Advocate
for the petitioners.

Mr. Surjeet S.Chaudhary, DAG, Punjab.

Mr. S.N.Sharma, Advocate
for respondent No.2.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

LISA GILL, J.

1. Prayer in this petition is for quashing of FIR No.137 dated 16.08.2014, under Sections 498A/307 IPC, registered at police station E Division Amritsar City, District Amritsar and all other consequential proceedings arising therefrom on the basis of compromise having been entered into between the parties.

2. The abovesaid FIR has been lodged on the basis of statement of

Nancy i.e., respondent No.2 alleging the commission of offences punishable under Sections 498A/307 IPC.

3. Due to the intervention of respectables, elders and friends, a compromise is stated to have been arrived at between the parties on 10.10.2014. 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, Annexure P2.

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

5. This Court on 16.12.2014 had directed the parties to appear before learned Illaqa Magistrate on or before 05.01.2015 for getting their statements recorded in respect to the above-mentioned compromise. Learned 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.

6. Learned trial court has also been directed to intimate whether any of the petitioners are proclaimed offenders and regarding any other case pending against them. Information was also sought as to whether all affected persons are a party to the settlement.

7. Pursuant thereto, report dated 13.01.2015 has been received from the learned Additional Chief Judicial Magistrate, Amritsar wherein it is observed that the settlement arrived between the parties is without any fear, apprehension, undue influence or coercion. It is also mentioned that none of the accused are proclaimed offenders and there is no other case pending against them.

Photocopies of the statements of the complainant as well as the petitioners have been appended alongwith the report.

8. Learned counsel for respondent No.2 – Nancy admits the factum of settlement arrived at between the parties and submits that respondent No.2 has no objection to the quashing of the FIR alongwith all consequential proceedings arising therefrom.

9. 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”.

10. 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 precious time of the court and would be an exercise in futility.

11. This petition is, thus, allowed and FIR No.137 dated 16.08.2014, under Sections 498A/307 IPC, registered at police station E Division Amritsar City, District Amritsar alongwith all consequential proceedings are, hereby, quashed.

January 30, 2015.
'om'

(LISA GILL)
JUDGE