

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

Criminal Misc. No. M- 10238 of 2016(O&M)

Date of Decision: July 27 , 2017.

Sandeep Singh Bhanver PETITIONER(s)

Versus

State of Punjab and another RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. BPS Gill, Advocate
for the petitioner.

Mr. Karambir Singh, AAG, Punjab.

Mr. M.K.Garg, Advocate
for respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.16 dated 03.03.2016 under Sections 323/506/498A IPC registered at Police Station PAU, Ludhiana and all other consequential proceedings arising therefrom on the basis of a compromise arrived at between the parties.

The abovesaid FIR was registered at the behest of respondent No.2 due to matrimonial discord with her husband i.e., the petitioner. With the intervention of respectables and relatives, a compromise was arrived at between the parties, the terms of which were reduced into writing on 11.03.2016 (Annexure P2). The petitioner and respondent No.2 had initially decided to

resume matrimonial ties and live together as mentioned in the compromise dated 11.03.2016, Annexure P2. However during the pendency of this petition, it was noted that the settlement between the parties no longer subsisted. However the parties in the interregnum have amicably resolved the entire dispute between themselves. A fresh compromise-cum-agreement dated 04.04.2017, Annexure P8 has been drawn up. The petitioner and respondent No.2 have decided to part ways. It is thus submitted that this petition be allowed on the basis of the subsequent compromise dated 04.04.2017 as the parties wish to live in peace and harmony and put an end to the acrimony between them.

This Court on 10.05.2017 directed the parties to appear before learned trial court/Illaq Magistrate for recording their statements in respect to the above-mentioned compromise. Liberty was afforded to the petitioner as well as respondent No.2 to record their statements through their Special Power of Attorney holders.

Learned trial court/Illaq 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. Learned trial court/Illaq Magistrate was also directed to intimate whether any of the accused are absconding/proclaimed offenders and whether any other case is pending against them. Information was sought as to whether all affected persons are a party to the settlement.

Pursuant to order dated 10.05.2017, the parties appeared before the learned Judicial Magistrate First Class, Ludhiana and their statements were recorded on 18.07.2017 and 20.07.2017. It is stated by Dr. Ashwani Sharma, father and Special Power of Attorney holder of respondent No.2 that the matter

has been amicably resolved between the parties. The settlement has been arrived at voluntarily, without any pressure, coercion or undue influence. It is stated that respondent No.2 has no objection to the quashing of the abovesaid FIR qua the petitioner. Similarly, the statement of the petitioner through his father and Special Power of Attorney holder – Ranjit Singh Bhawar, in respect to the settlement was recorded.

As per report dated 21.07.2017 received from the learned Judicial Magistrate First Class, Ludhiana it is opined that the compromise between the parties is genuine and voluntary, arrived at without any coercion or undue influence. The petitioner, it is reported, is not a proclaimed offender. Statements of the parties are appended alongwith the said report.

Learned counsel for respondent No.2 reaffirms and verifies the factum of settlement between the parties. It is reiterated that respondent No.2 has no objection to the quashing of the abovementioned FIR against all the petitioners.

Learned counsel for the State submits that as the abovesaid FIR arises out of a matrimonial dispute, the State has no objection to the quashing of this FIR on the basis of a settlement arrived at 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.

Keeping in view the facts and circumstances of this case, 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 merely lead to wastage of precious time of the court and would be an exercise in futility.

This petition is, thus, allowed and FIR No.16 dated 03.03.2016 under Sections 323/506/498A IPC registered at Police Station PAU, Ludhiana alongwith all consequential proceedings are, hereby, quashed.

However, liberty is afforded to respondent No.2 to file necessary application for revival of the proceedings in the above said FIR, in case the terms and conditions of settlement between the parties are not adhered to by the petitioner(s) or it is found that the settlement was a mere ruse to have the aforesaid FIR quashed.

July 27 , 2017.
'om'

(LISA GILL)
JUDGE

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