

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

Criminal Misc. No. M-10481 of 2016

Date of Decision : January 09, 2017

Shehbaj Singh and others

..... Petitioner (s)

VERSUS

State of Punjab & another

.... Respondent (s)

CORAM : HON'BLE MRS. JUSTICE LISA GILL

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?

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Present: Ms. Monika Jangra, Advocate for
Mr. Jasneet Singh, Advocate
for the petitioner (s)

Mr. K.D.Sachdeva, Addl. A.G.Punjab,
for the State-respondent No.1.

Mr. Gursimran Singh Bhatia, Advocate
for respondent No.2.

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LISA GILL, J. (Oral)

1. This petition has been filed for quashing of FIR No. 194 dated 02.09.2012 under Sections 406/498A IPC registered at Police Station Jandiala Guru as well as consequential proceedings on account of a settlement arrived at between the parties.

2. The above said FIR arises out of matrimonial discord between petitioner No.1-Shehbaj Singh and respondent No.2-Komalpreet Kaur. It

was registered on the basis of an application submitted by respondent No.2 to the Senior Superintendent of Police, Amritsar. The parties on intervention of the respectables and other relatives have arrived at an amicable settlement which has been reduced into writing on 16.2.2016 (Annexure P-2). It is submitted that divorce has been granted to petitioner No.1 and respondent No.2 under Section 13-B of the Hindu Marriage Act. Respondent No.2 has received permanent alimony to the tune of ₹4,10,000/-.

3. Pursuant to order dated 26.10.2016 of this Court the parties appeared before the learned Judicial Magistrate 1st Class, Amritsar, on 28.10.2016. Their statements regarding the compromise were recorded.

4. As per the report dated 5.11.2016 received from the Judicial Magistrate 1st Class, Amritsar, a compromise has been arrived at between the parties. It is opined that the same is voluntary, without any pressure or coercion and out of the free will and volition of the parties. Statement of respondent No.2-Komalpreet Kaur in this regard has been recorded. She has stated that she has no objection if the abovesaid FIR against all the accused and subsequent proceedings arising therefrom are quashed. The statements of Shehbaj Singh, Paramjit Kaur, Kuldeep Singh and Harjinder Singh have also been recorded. It is reported that there is no other case pending against either of the parties and none of the accused are absconding.

5. Learned counsel for respondent No.2 has affirmed and verified the factum of settlement between the parties and submits that respondent No.2 has no objection whatsoever if the above said FIR and subsequent proceedings against the petitioners are quashed.

6. In ***Kulwinder Singh and others v. 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.”

7. In view of the above, it would be in the interest of justice to quash the above said 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.

8. This petition is, thus, allowed and FIR No. 194 dated 02.09.2012 under Sections 406/498A IPC registered at Police Station Jandiala Guru alongwith all consequential proceedings are, hereby, quashed.

9.1.2017
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(LISA GILL)
JUDGE

Note: Whether speaking/reasoned

Yes / No

Whether Reportable:

Yes / No