

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

Criminal Misc. No. M-10021 of 2017 (O&M)

Date of decision : September 22, 2017

Manoj Parkhi

.....Petitioner

Versus

State of U.T. Chandigarh and another

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Gurmeet Singh, Advocate for the petitioner.

Mr. J.S. Toor, APP, for U.T., Chandigarh.

Ms. Amarjeet Kaur, Advocate for respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.86 dated 01.10.2016 under Sections 406 and 498A IPC registered at Police Station Women, Chandigarh 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 - petitioner. With the intervention of respectables and relatives, a compromise has been arrived at between the parties, the terms of which were reduced into writing on 18.03.2016 (Annexure P-2). The present petition has been filed on the basis of this compromise.

It is informed by learned counsel for the petitioner that a petition under Section 13B of Hindu Marriage Act, 1955 preferred by the petitioner and respondent No. 2 has since been allowed on 01.08.2017 and all claims – past, present and future of respondent No. 2 qua the petitioner, stand satisfied.

This Court on 07.04.2017 directed the parties to appear before

learned trial court/Illaq Magistrate for recording their statements in respect

to the above-mentioned compromise. 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 petitioners 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 07.04.2017, the parties appeared before the learned Judicial Magistrate First Class, Chandigarh and their statements were recorded on 10.04.2017. Respondent No.2 stated that she compromised the matter with her husband i.e. the petitioner out of her own free will and volition, without any pressure and coercion. It is stated that a petition under Section 13B of Hindu Marriage Act, 1955 seeking divorce by mutual consent has been filed by them. Respondent No.2 stated that she has no objection to the quashing of the abovesaid FIR against the petitioner. Statement of the petitioner in respect to the compromise was also recorded.

As per report dated 17.04.2017 received from the learned Judicial Magistrate First Class, Chandigarh it is opined that the compromise between the parties is valid and genuine. Statements of the parties are appended alongwith the said report. The petitioner is not reported to be a proclaimed offender.

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 the petitioner.

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.86 dated 01.10.2016 under Sections 406 and 498A IPC registered at Police Station Women, Chandigarh alongwith all consequential proceedings are, hereby, quashed.

(Lisa Gill)
Judge

September 22, 2017

rts

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