

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

Criminal Misc. No. M- 10280 of 2017(O&M)

Date of Decision: September 21 , 2017.

Navdeep Singh and others PETITIONER(s)

Versus

State of Punjab and another RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Piyush Sharma, Advocate
for the petitioners.

Mr. Karanbir Singh, AAG, Punjab.

Ms. Jasneet Mehra, Advocate
for the complainant/respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.131 dated 26.09.2014 under Section 498A IPC registered at Police Station 'B' Division, District Amritsar 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 instance of respondent No.2 due to matrimonial discord with her husband i.e., petitioner No.1. With the intervention of respectables and relatives, the matter was amicably resolved between the parties. Petitioner No.1 and respondent No.2 decided to part ways. It is informed that petition under Section 13B of the Hindu Marriage Act, 1955 has been filed by them and their statements at first motion have been recorded in

the said petition. It is submitted that the entire agreed amount has been handed over to the complainant/respondent No.2.

This Court on 19.07.2017 directed the parties to appear before learned trial court for recording their statements in respect to the above-mentioned compromise. Learned trial court 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 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 19.07.2017, the parties appeared before the learned Judicial Magistrate First Class, Amritsar and their statements were recorded on 31.07.2017. Respondent No.2 stated that she has compromised the matter the with accused petitioners with the intervention of respectable persons. The settlement, it is stated, has been effected without any undue influence, pressure or coercion. Filing of the petition under Section 13B of the Hindu Marriage Act, 1955 finds mention in the said statement. Respondent No.2 categorically stated that she has no objection in case the abovesaid FIR is quashed against the accused petitioners. Statements of the petitioners in respect to the settlement was recorded as well.

As per report dated 16.08.2017 received from the learned Judicial Magistrate First Class, Amritsar, it is opined that the compromise between the parties is genuine, arrived at between them voluntarily without any pressure, duress, inducement or threat from any quarter. None of the petitioners are

reported to be proclaimed offenders. 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 submitted that nothing remains due towards respondent No.2 as on date. 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 the FIR in question as well as all consequential proceedings 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. 131 dated 26.09.2014 under Section 498A IPC registered at Police Station 'B' Division, District Amritsar alongwith all consequential proceedings are, hereby, quashed.

September 21 , 2017.
'om'

(LISA GILL)
JUDGE

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