

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

CRM-M No.10348 of 2017

Date of decision: December 16, 2017

Mandeep Singh and others

....Petitioners

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Narinder S. Lucky, Advocate
for the petitioners.

Mr. Saurav Khurana, DAG, Punjab
for respondent No.1-State.

Ms. Raminder Pratap Kaur, Advocate
for respondent No.2.

LISA GILL, J.(ORAL)

Prayer in this petition is for quashing of FIR No.15 dated 12.02.2017, under Sections 498-A, 406, 323, 506, 34 IPC registered at Police Station Mehal Kalan, District Barnala (Annexure P-1) alongwith consequential proceedings arising therefrom on the basis of compromise dated 03.03.2017 (Annexure P-2) 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, the matter was amicably resolved between the parties, the terms and conditions of which were reduced into writing on 03.03.2017 (Annexure P-2). It is informed that petition under Section 13-B of the Hindu Marriage Act filed by respondent No.2 and petitioner No.1 has since been allowed on 5th December, 2017. The entire settled amount has been handed over to respondent No.2. Photocopy of the judgment and decree dated 5th December, 2017 produced in the Court today is taken on

record subject to just exceptions.

This Court on 13th July, 2017 directed the parties to appear before learned Illaqa Magistrate for recording their statements 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 violation of the parties without any coercion, fear or undue influence. Learned Illaqa 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 13th July, 2017, the parties appeared before the learned Chief Judicial Magistrate, Barnala and their statements were recorded on 28th July, 2017. Respondent No.2 stated that she has compromised the matter with all the accused/petitioners out of her own free will, without any pressure or coercion. Respondent No.2 further stated that she has no objection to the quashing of the aforementioned FIR qua all the petitioners. Joint statement of the petitioners was recorded. Statement of the Investigating Officer was recorded to the effect that none of the three accused/petitioners are involved or convicted in any other case nor they are declared proclaimed offender/proclaimed person.

As per report dated 28th July, 2017 by the learned Chief Judicial Magistrate, Barnala, satisfaction is expressed that the compromise between the parties is genuine, voluntary, arrived at out of the sweet will of the parties, without any coercion or undue influence. None of the petitioners is reported to be a proclaimed offender/person. Statements of the

parties are appended alongwith the said report.

Learned counsel for respondent No.2 reaffirms and verifies that respondent No.2 has no objection to the quashing of the above-mentioned FIR against all the petitioners in view of the settlement arrived at between them.

Learned counsel for the State, on instructions from ASI Chatpal, 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 above-said 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.15 dated 12.02.2017, under Sections 498-A, 406, 323, 506, 34 IPC registered at Police Station

Mehal Kalan, District Barnala (Annexure P-1) alongwith consequential proceedings are, hereby, quashed.

December 16, 2017
m. sharma

(LISA GILL)
JUDGE

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