

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

Criminal Misc. No. M- 10516 of 2017 (O&M)

Date of decision : September 22, 2017

Rishi Kumar and others

.....Petitioners

Versus

State of Punjab and another

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. J.K. Khetarpal, Advocate for the petitioners.

Mr. Karanbir Singh, AAG, Punjab.

Respondent No.2 – Sweety Sharma in person.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No. 01 dated 05.01.2016 under Sections 498A, 406 IPC registered at Police Station City Sangrur 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., petitioner No.1. With the intervention of respectables and relatives, a compromise has been arrived at between the parties. The parties have agreed to bury the hatchet and live with each other. The present petition has been filed on the basis of compromise arrived at between the parties.

It is informed that respondent No. 2 is living together with her husband – petitioner No. 1 at their matrimonial home. Petitioner No. 1 as well as respondent No. 2, duly identified by ASI Rajinder Singh, are present in Court. They reiterated that both of them are living together in a peaceful manner in their matrimonial home.

This Court on 16.05.2017 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 volition 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 16.05.2017, the parties appeared before the learned Chief Judicial Magistrate, Sangrur and their statements were recorded on 08.07.2017. Respondent No.2 stated that the matter has been amicably resolved with the intervention of respectables and she has resumed co-habitation with her husband. Respondent No.2 stated that she has no objection to the quashing of the abovesaid FIR qua the petitioners. Statements of the petitioners in respect to the compromise were also recorded.

As per report dated 17.07.2017 received from the learned Chief Judicial Magistrate, Sangrur, it is opined that the compromise between the parties is genuine, voluntary, arrived at out of their own free will, without any pressure, coercion and undue influence. None of the petitioners are reported to be the proclaimed offender. Statements of the parties are appended alongwith the said report.

Learned counsel for the State, on instructions from ASI Rajinder Singh, 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. 01 dated 05.01.2016 under Sections 498A, 406 IPC registered at Police Station City Sangrur 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.

(Lisa Gill)
Judge

September 22, 2017
rts

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