

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

Crl. Misc. No. M-10604 of 2017

Date of Decision : September 18, 2017

Harjit Singh and others..... Petitioners

Versus

State of Punjab and another Respondents

CORAM : HON'BLE MRS. JUSTICE LISA GILL

...

Present: Mr. Harkaman Singh, Advocate
for the petitioners.

Mr. Karanbir Singh, AAG, Punjab.

None for respondent No.2.

...

LISA GILL, J. (Oral)

Prayer in this petition is for quashing of FIR No.80 dated 15.10.2014 under Sections 498-A, 406, 506, 34 IPC registered at Police Station Bhadaur, District Barnala along with all other consequential proceedings arising therefrom on the basis of settlement/agreement deed dated 28.02.2017 (Annexure P2).

The above-said FIR was registered at the instance of respondent No.2 due to matrimonial discord with her husband i.e. petitioner No.3. A settlement was arrived at between the parties before the Mediation & Conciliation Centre of this Court, the terms of which were reduced into writing on 28.02.2017. Parties decided to part ways. Petition under Section

first motion have been recorded.

This Court on 30.03.2017 directed the parties to appear before learned trial court/Illaqa Magistrate for recording their statements in respect to the above-mentioned compromise. Learned trial court/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 trial court/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 30.03.2017, the parties appeared before the learned ACJM, Barnala and their statements were recorded on 19.04.2017. Respondent No.2 stated that the matter has been compromised before the mediation centre of this Court. The compromise, it is stated, has been effected out of her own free consent and without any pressure or undue influence from any quarter. Respondent No.2 has categorically stated that she has no objection in case the above-said FIR is quashed against the accused-petitioners. Joint statement of the petitioners in respect to the settlement was recorded as well.

As per report dated 20.04.2017 received from the learned Addl. Chief Judicial Magistrate, Barnala, it is opined that the compromise is valid and a result of free consent of the parties. None of the petitioners are reported to be proclaimed offenders. Statements of the parties are appended along with the said report.

Shri Baldev Singh, father of respondent No.2 had appeared

before this Court on 17.07.2017 and submitted that a sum of ₹10 lakhs was to be handed over by the petitioners in terms of the settlement on 20.07.2017. The matter was accordingly adjourned. Certified copy of the statement dated 20.07.2017 of the complainant before learned ACJM, Barnala, has been produced in Court today wherein respondent No.2 acknowledges the receipt of Draft No. 429530 for the sum of ₹10 lakhs. Copy of the said statement is taken on record subject to just exceptions.

Learned counsel for the petitioners reiterates that the entire settled amount between the parties has been handed over to respondent No.2.

Petition under Section 13-B of the Hindu Marriage Act, 1955 is pending for 11.10.2017 for recording of statement of the parties at second motion. The petitioners undertake to abide by the terms and conditions of the settlement arrived at between the parties.

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 above mentioned FIR against all the petitioners subject to strict adherence, by the petitioners to the terms and conditions of the settlement arrived at between the parties.

Learned counsel for the State submits that as the above-said 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 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. 80 dated 15.10.2014 under Sections 498-A, 406, 506, 34 IPC registered at Police Station Bhadaur, District Barnala along with 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 petitioners or it is found that the settlement was a mere ruse to have the aforesaid FIR quashed.

18.09.2017
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(LISA GILL)
JUDGE

Note: Whether speaking/reasoned

Yes / No

Whether Reportable:

Yes / No