

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

CRM No. M-10783 of 2017

Date of decision: 16.05.2017

Navraj Singh

..... Petitioner.

Versus

State of Punjab and another

..... Respondents.

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Sandeep Gahlawat, Advocate, for the petitioner.

Mr. Rajpreet Singh Sidhu, AAG, Punjab.

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

LISA GILL, J.

This petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of FIR No. 36 dated 28.03.2015 registered under Sections 498-A and 406 of the Indian Penal Code (for short 'IPC') at Police Station Bhawanigarh, District Sangrur and all other consequential proceedings arising therefrom on the basis of an amicable settlement arrived at between the parties before the Mediation and Conciliation Centre of this Court.

The above said FIR was registered at the behest of respondent No. 2-Smt. Kuldeep Kaur. The dispute arose between the parties because of matrimonial discord between petitioner and respondent No.2.

The matter has been amicably resolved between the parties before the Mediation and Conciliation Centre of this Court. The terms and conditions of the compromise arrived at between the parties are attached as Annexure P-2 with this petition. It is submitted that there were four accused in the above said FIR but it is only the petitioner who was proceeded against as others were found innocent during investigation.

This Court on 29.03.2017 directed the parties to appear before the learned trial Court on 05.04.2017 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 directed to intimate whether the petitioner is a proclaimed offender and whether any other case is pending against him.

Pursuant to order dated 29.03.2017, the parties appeared before the learned Additional Chief Judicial Magistrate, Sangrur and their statements were recorded on 05.04.2017. Respondent No.2-Smt. Kuldeep Kaur has stated that the matter has been amicably settled with her husband before the Mediation and Conciliation Centre of this Court. She has stated that she has no objection to the quashing of the above said FIR against the accused on the basis of the settlement as she wishes to live peacefully with her husband. Statement of the petitioner in respect to the settlement was recorded.

As per report dated 06.04.2017, submitted by the learned Additional Chief Judicial Magistrate, Sangrur it is opined that the settlement has been arrived at between the parties out of their own free will, without any coercion or undue influence. The petitioner is not a proclaimed offender.

Learned counsel for the complainant/respondent No.2 reaffirms and verifies the factum of settlement between the parties. It is stated that respondent No. 2 has no objection, whatsoever, to the quashing of the above mentioned FIR qua the petitioner.

Learned counsel for the State on instructions from HC Sukhwinder Singh submits that the present being a matrimonial dispute, the State has no objection to the quashing of this FIR on the basis of a settlement 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.

In view of the above, 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 only lead to wastage of precious time of the court and would be an exercise in futility.

This petition is, thus, allowed and FIR No. 36 dated 28.03.2015 registered under Sections 498-A and 406 of the IPC at Police Station Bhawanigarh, District Sangrur alongwith all consequential proceedings arising therefrom 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 or it is found that the settlement was a mere ruse to have the aforesaid FIR quashed.

16.05.2017

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**(LISA GILL)
JUDGE**

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