

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

Criminal Misc. No.M- 10918 of 2017 (O&M)

Date of decision : November 10, 2017

Jaspal Singh and others

.....Petitioners

Versus

State of Punjab and another

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

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

Mr. Karanbir Singh, AAG, Punjab.

Mr. Charanjit Singh, Advocate for
Mr. Varun Garg, Advocate
for respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No. 110 dated 08.06.2016 under Sections 498A, 406 IPC registered at Police Station City Kharar, District SAS Nagar and all other consequential proceedings arising therefrom on the basis of a compromise arrived at between the parties before the Mediation and Conciliation Centre of this Court on 03.03.2017 (Annexure P-2).

The abovesaid FIR was registered at the instance of respondent No.2 due to matrimonial discord with her husband i.e., petitioner No.1. Compromise has been arrived at between the parties before the Mediation and Conciliation Centre of this Court, the terms of which were reduced into writing on 03.03.2017 (Annexure P-2). The present petition has been filed on the basis of this compromise.

Learned counsel for the petitioners submits that petition under Section 13B of Hindu Marriage Act, 1955 filed by petitioner No. 1 and respondent No. 2 has since been allowed on 25.09.2017.

This Court on 14.09.2017 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 14.09.2017, the parties appeared before the learned Sub Divisional Judicial Magistrate, Kharar and their statements were recorded on 28.09.2017. Respondent No.2 stated that she has compromised the matter out of her own free will and volition, without any coercion, inducement, threat or pressure with all the accused petitioners before the Mediation and Conciliation Centre of this Court. Respondent No.2 further stated that she has no objection to the quashing of the abovesaid FIR and all consequential proceedings qua the petitioners. Statements of the petitioners in respect to the compromise were also recorded.

As per report dated 21.10.2017 received from the learned Sub Divisional Judicial Magistrate, Kharar it is opined that the compromise

between the parties is genuine, arrived at out of free will of the parties, without any threat, coercion or undue influence. None of the petitioners is reported to be a proclaimed offender. 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 reiterated that respondent No.2 has no objection to the quashing of the abovementioned FIR.

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 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. 110 dated 08.06.2016 under Sections 498A, 406 IPC registered at Police Station City Kharar, District SAS Nagar alongwith all consequential proceedings are, hereby, quashed.

November 10, 2017
rts

(Lisa Gill)
Judge

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