

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

CRM-M-10960 of 2017 (O&M)

Date of Decision:21.11.2017

Deepak Kumar @ Deepu and others

..... Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr.S.K.Bokolia, Advocate
for the petitioners.

Mr.Saurav Khurana, DAG, Punjab.

Mr. Vivek Singla, Advocate
for respondent no.2.

LISA GILL, J(Oral).

Prayer in this petition is for quashing of FIR No.55 dated 30.05.2016, under Sections 307, 498-A, 34 IPC, registered at Police Station Jaito, District Faridkot, along with all other consequential proceedings arising therefrom on the basis of compromise arrived at between the parties.

It is submitted that the above-said FIR was registered at the instance of respondent No.2 due to matrimonial discord with her husband-petitioner no.1. The matter was amicably resolved between the parties with the intervention of elders and respectables. Pursuant to the settlement petitioner no.1 and respondent no.2 have resumed cohabitation and they are living together in peace and harmony at their matrimonial home. Affidavit executed by respondent no.2

(Annexure P-2) reflects the said position. It is further submitted that offence punishable under Section 307 IPC, in any case, is not made out in the facts and circumstances of the case. Therefore, it is prayed that this petition be allowed.

This Court on 13.07.2017 directed the parties to appear before the learned trial court for recording of 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 also directed to intimate whether 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 13.07.2017, the parties appeared before the learned Additional Sessions Judge, Faridkot and their statements were recorded on 09.08.2017. Respondent No.2 stated that the matter has been amicably resolved by her with all the accused-petitioners with the intervention of respectables of society. Settlement, it is submitted that has been arrived at out of her own free will, without any pressure, threat or inducement. It is stated by respondent no.2 that she has no objection to the quashing of the abvoesaid FIR against all the accused-petitioners subject to strict adherence to the terms and conditions of the settlement by the petitioners. Statements of the petitioners in respect to the compromise were recorded as well.

As per report dated 09.09.2017, received from the learned Additional Sessions Judge, Faridkot, it is opined that the compromise/settlement between the parties is genuine, arrived at out of their free consent, without any threat, pressure or undue influence. Petitioners are not reported to be proclaimed offenders.

Learned counsel for respondent No.2 reaffirms and verifies that petitioner no.1 and respondent no.2 are living together in their matrimonial home and respondent no.2 has no objection to the quashing of the above-mentioned FIR against all the petitioners subject to strict adherence to the terms and conditions of the settlement by the petitioners.

Learned counsel for the State, on instructions from HC Kahan Singh, has not raised any serious 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.55 dated 30.05.2016, under Sections 307, 498-A, 34 IPC, registered at Police Station Jaito, District Faridkot, 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 petitioner(s) or it is found that the settlement was a mere ruse to have the aforesaid FIR quashed.

21.11.2017
s.khan

[LISA GILL]
Judge

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.