

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

Crl. Misc. No. M- 1109 of 2017(O&M)

Date of Decision: March 14 , 2017.

Jagjit Singh and others

..... PETITIONER(s)

Versus

State of Punjab and others

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Rajan Singh Dadwal, Advocate
for the petitioners.

Mr. Rajpreet Singh Sidhu, AAG, Punjab.

Mr. Umesh Kumar, Advocate
for respondents No.2 and 3.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.20 dated 11.10.2014 under Sections 498A/406 IPC registered at Police Station Jagraon, District Ludhiana (Rural) 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 i.e. the father of respondent No.3. Dispute arose between the parties on account of matrimonial discord between petitioner No.3 and respondent No.3. However with the intervention of respectables and relatives, a compromise has been arrived at between the parties, the terms of which were reduced in writing

on 02.09.2016. The parties wish to live in peace and harmony and put an end to the acrimony between them. Petitioner No.3 and respondent No.3 have decided to part ways.

Learned counsel for the petitioners submits that respondent No.3 has in fact remarried since then.

This Court on 17.01.2017 directed the parties to appear before learned Illaqa Magistrate on 31.01.2017 for getting their statements recorded 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 also sought as to whether all affected persons are a party to the settlement.

Pursuant to order dated 17.01.2017, the parties appeared before the learned Sub Divisional Judicial Magistrate, Jagraon on 31.01.2017 and their statements were recorded on 31.01.2017. Respondent No.2 i.e., the complainant stated that the matter has been amicably resolved between the parties with the intervention of the respectables and relatives. It is stated that the settlement has been arrived at out of their own free will without any pressure, fear or coercion. It is stated that he has no objection to the quashing of the abovesaid FIR qua the petitioners. Similarly, statement of respondent No.3 i.e., the daughter of respondent No.2 and wife of petitioner No.3, has been recorded. She has stated that the settlement has been arrived at between

the parties out of her own free will without any fear, pressure or coercion. Respondent No.3 reaffirmed that she has no objection to the quashing of the FIR qua all the accused persons. A joint statement of the petitioners in respect to the settlement was recorded.

As per report dated 01.03.2017 received from the learned Sub Divisional Judicial Magistrate, Jagraon it is opined that the compromise between the parties is genuine. It has been arrived at out of their own free will and without any pressure, fear or coercion. None of the petitioners are proclaimed offenders. Petitioners are the only accused in this case. The statements of the parties have been appended alongwith the said report.

Learned counsel for respondents No.2 and 3 reaffirms and verifies the factum of settlement between the parties. It is reiterated that respondents No.2 and 3 have no objection to the quashing of the abovementioned FIR against all the petitioners.

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 continuing the present proceedings. It will only lead to wastage of precious time of the court and would be an exercise in the futility.

This petition is, thus, allowed and FIR No.20 dated 11.10.2014 under Sections 498A/406 IPC registered at Police Station Jagraon, District Ludhiana (Rural) alongwith all consequential proceedings are, hereby, quashed.

It is, however, clarified that nothing in this order be construed as an expression of opinion on the genuineness or otherwise of the second marriage allegedly solemnized by respondent No.3 and neither would the quashing of the aforementioned FIR on the basis of a settlement arrived at between the parties have any effect thereon.

March 14 , 2017.
'om'

(**LISA GILL**)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No