

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

CRM No. M-11288 of 2017

Date of decision: 23.05.2017

Amit Palta and others

..... Petitioners.

Versus

State of Punjab and others

..... Respondents.

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Surinder Gandhi, Advocate, for the petitioners.

Mr. K.D. Sachdeva, Addl.A.G., Punjab.

None for respondents No.2 to 4.

LISA GILL, J.

This petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of FIR No. 173 dated 31.07.2015 registered under Sections 406 and 498-A of the Indian Penal Code (for short 'IPC') at Police Station Zirakpur, District SAS Nagar, Mohali and all other consequential proceedings arising therefrom on the basis of an amicable settlement arrived at between the parties.

The above said FIR was registered at the behest of respondent No. 2-Smt. Honey. The dispute arose between the parties because of matrimonial discord between petitioner No. 1 Amit Palta and respondent No.2- Honey.

With the intervention of respectables, elders and relatives, the matter has been amicably resolved between the parties. Petitioner No.1 and respondent No.2 have decided to part ways. The terms and conditions of the compromise were reduced into writing on 28.03.2017. The compromise is on record of this petition as Annexure P-5.

This Court on 06.04.2017 directed the parties to appear before the learned trial Court on 08.04.2017 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 petitioners are proclaimed offenders and whether any other case is pending against them.

Pursuant to order dated 06.04.2017, the parties appeared before the learned Judicial Magistrate 1st Class, Dera Bassi and their statements were recorded on 08.04.2017. Respondent No.2, the complainant stated that she has amicably resolved the matter with all the accused persons. The settlement has been arrived at out of her own free will and consent without any pressure, coercion or inducement from any quarter. It is stated by respondent No. 2 that she has no objection to the quashing of the aforementioned FIR against all the accused persons. A joint statement affirming the above has been recorded by respondents No. 3 and 4. A joint statement of the petitioners in respect to the settlement was recorded as well.

As per report dated 29.04.2017, submitted by the learned Judicial Magistrate 1st Class, Dera Bassi, it is opined that the compromise between the parties is genuine, voluntary, arrived at without any coercion or undue influence. None of the petitioners are proclaimed offenders.

Mr. Manoj Arora, Advocate, appeared on behalf of respondents No. 2 to 4 on 06.04.2017. He affirmed and verified the factum of settlement between the parties.

Learned counsel for the State on instructions from HC Vikram Singh, Police Station Zirakpur 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. 173 dated 31.07.2015 registered under Sections 406 and 498-A of the IPC at Police Station Zirakpur, District SAS Nagar, Mohali 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 petitioners or it is found that the settlement was a mere ruse to have the aforesaid FIR quashed.

(LISA GILL)
JUDGE

23.05.2017

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