

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

Criminal Misc. No. M- 11512 of 2017(O&M)

Date of Decision: September 5 , 2017.

Amrinder Singh and others

..... PETITIONER(s)

Versus

State of Punjab and another

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Ranjodh Singh Sidhu, Advocate
for the petitioners.

Mr. Karanbir Singh, AAG, Punjab.

Mr. Harish Goyal, Advocate for
Mr. Satsimran Singh Gill, Advocate
for the complainant/respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.0153 dated 17.11.2016 under Sections 406/498A IPC registered at Police Station Women, District Police Commissionerate Jalandhar 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 due to matrimonial discord with her husband i.e., petitioner No.1. With the intervention of respectables and relatives, a compromise was arrived at between the parties. It is informed that petitioner No.1 and respondent No.2 have decided

to part ways. Petition under Section 13B of the Hindu Marriage Act, 1955 has been filed by them. Statements of the parties at first motion have been recorded in the said petition and the matter is now fixed for 11.09.2017 for recording statements of the parties at second motion. The parties, it is submitted, shall abide by the terms and conditions of the settlement arrived at between them.

This Court on 16.05.2017 directed the parties to appear before learned Illaqa Magistrate for recording their statements 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 sought as to whether all affected persons are a party to the settlement.

Pursuant to order dated 16.05.2017, the parties appeared before the learned Judicial Magistrate First Class, Jalandhar and their statements were recorded on 25.05.2017. Respondent No.2 stated that she has compromised the matter amicably with all the accused with the intervention of the respectables. The compromise, it is stated, has been arrived at voluntarily, out of her own free will, consent, without any kind of pressure, force, threat or coercion and undue influence from any quarter. Respondent No.2 further stated that she has no objection to the quashing of the abovesaid FIR against all the accused petitioners. Joint statement of the petitioners in respect to the settlement was recorded as well.

As per report dated 14.06.2017 received from the learned Judicial

Magistrate First Class, Jalandhar it is opined that the compromise between the parties is genuine and is not the result of any kind of pressure or coercion. None of the accused petitioners are reported to be proclaimed offenders. Photocopies of the 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 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 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.0153 dated 17.11.2016 under Sections 406/498A IPC registered at Police Station Women, District Police Commissionerate Jalandhar alongwith 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 petitioners or it is found that the settlement was a mere ruse to have the aforesaid FIR quashed.

September 5 , 2017.
'om'

(LISA GILL)
JUDGE

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