

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc. No. M-11557 of 2017

Date of Decision: July 27, 2017

Pawan Malik and Another

..... PETITIONER(s)

Versus

State of Punjab and Another

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. San deep Sharma, Advocate
for the petitioners.

Mr. Karambir Singh, AAG, Punjab.

Mr. R.S. Sampla, Advocate
for the complainant/respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.08, dated 16.01.2014 registered under Section 498-A of the Indian Penal Code ('IPC'-for short) at Police Station E-Division, Amritsar 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 has been arrived at between the parties, the terms of which were reduced into writing on 20.02.2017 (Annexure P-2).The parties wish to live in peace and harmony and put an end to the acrimony 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 Additional Chief Judicial Magistrate, Amritsar and their statements were recorded on 26.05.2017. Respondent No.2 stated that matter has been amicably resolved with all the petitioners and the settlement has been arrived at out of her free will, without pressure, undue influence or coercion. It is further stated that she has no objection to the quashing of the abovesaid FIR qua all the petitioners.

Statements of the petitioners in respect to the settlement was recorded as well.

As per report dated 01.06.2017 received from the learned Additional Civil Judicial Magistrate, Amritsar, it is opined that the compromise is genuine, voluntarily arrived at out of the free will of the parties. None of the petitioners are reported to be proclaimed offenders. 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 further informed that petition under Section 13-B Hindu Marriage Act has been filed by respondent No. 2 and petitioner No. 1. Statements of the parties at first motion in the said

proceedings have been recorded. It is reiterated that respondent No.2 has no objection to the quashing of the abovementioned FIR against all the petitioners provided the terms and conditions of the settlement are strictly adhered to.

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.08, dated 16.01.2014 registered under Section 498-A of the Indian Penal Code ('IPC'-for short) at Police Station E-Division, Amritsar 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 petitioner(s) or it is found that the settlement was a mere ruse to have the aforesaid FIR quashed.

July 27, 2017
Poonam (II)

(LISA GILL)
JUDGE

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