

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

Criminal Misc. No. M- 11625 of 2017(O&M)

Date of Decision: August 29 , 2017.

Gurmeet Singh PETITIONER(s)

Versus

State of Punjab and others RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Navjot Singh, Advocate
for the petitioner.

Mr. Karanbir Singh, AAG, Punjab.

Mr. Ruhani Chadha, Advocate
for the complainant/respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.0139 dated 22.09.2016 under Section 498A IPC registered at Police Station Balachaur 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., the petitioner. With the intervention of respectables and relatives, a compromise was arrived at between the parties, the terms of which were reduced into writing on 09.12.2016 (Annexure P2). The parties wish to live in peace and harmony and put an end to

the acrimony between them. The petitioner and respondent No.2 have decided to cohabit with each other.

This Court on 23.05.2017 directed the parties to appear before learned trial court/Illaqa Magistrate for recording their statements in respect to the above-mentioned compromise. Liberty was afforded to the petitioner to appear through his Special Power of Attorney holder, Jagdeep Singh son of Gurbachan Singh. Learned trial court/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 trial court/Illaqa Magistrate was also directed to intimate whether any of the accused 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 23.05.2017, the parties appeared before the learned Sub Divisional Judicial Magistrate, Balachaur and their statements were recorded on 01.06.2017. Respondent No.2 stated that she has amicably resolved the matter with the accused petitioner. Photocopy of the compromise was placed before the learned Sub Divisional Judicial Magistrate as Ex.C1. Respondent No.2 identified her signatures on the compromise and stated that the settlement has been arrived at out of her own free will without any pressure. Statement of the petitioner in respect to the settlement was recorded through his Special Power of Attorney holder.

As per report received from the learned Sub Divisional Judicial Magistrate, Balachaur, it is opined that the compromise between the parties is genuine and voluntary, arrived at without any kind of pressure. The petitioner is

not reported to be a proclaimed offender. 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 informed that respondent No.2 is presently residing at her matrimonial home alongwith her in-laws and she would soon be joining her husband in Australia. It is reiterated that respondent No.2 has no objection to the quashing of the abovementioned FIR against the petitioner in view of the settlement between them.

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.0139 dated 22.09.2016 under Section 498A IPC registered at Police Station Balachaur 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 or it is found that the settlement was a mere ruse to have the aforesaid FIR quashed.

August 29 , 2017.
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**(LISA GILL)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No