

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

**CRM No. M-11979 of 2017  
Date of decision: 01.06.2017**

**Amarjit Singh and others** ..... **Petitioners.**  
**Versus**

**State of Punjab and others** ..... **Respondents.**

**CORAM: HON'BLE MRS. JUSTICE LISA GILL**

Present: Mr. Sanyam Malhotra, Advocate, for the petitioners.

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

Mr. Harsh Manocha, Advocate, for  
Mr. Angel Sharma, Advocate,  
for respondent No.2.

**LISA GILL, J.**

This petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of FIR No. 57 dated 31.05.2013 registered under Sections 498-A and 406 of the Indian Penal Code (for short 'IPC') at Police Station Sadar Kapurthala, District Kapurthala and all other consequential proceedings arising therefrom on the basis of an amicable settlement arrived at between the parties.

It is informed that though all the three petitioners were named in the FIR, petitioner No. 3 was found innocent during investigation. This fact is verified by the learned State Counsel on instructions from HC Lakhwinder Pal Singh, Police Station Sadar, Kapurthala. Accordingly, learned counsel for the petitioners seeks to withdraw this petition qua petitioner No. 3. Ordered accordingly.

The petition, thus survives qua petitioners No. 1 and 2 only.

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

With the intervention of respectables, elders and relatives, the matter has been amicably resolved between the parties. It is submitted that respondent No.2 and petitioner No. 1 have filed a petition under Section 13-B of the Hindu Marriage Act. Their statements at first motion have been recorded. It is further informed that another FIR No. 214 dated 11.08.2012, under Sections 323,324,452,148,149 and 506 of the IPC at Police Station Nakodar, Jalandhar City, registered at the behest of petitioner No. 2 has since been quashed by this Court on 31.05.2017 in Criminal Miscellaneous No. M-12098 of 2017.

This Court on 19.04.2017 directed the parties to appear before the learned trial Court on 01.05.2017 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 19.04.2017, the parties appeared before the learned Additional Chief Judicial Magistrate, Kapurthala and their statements were recorded on 01.05.2017. Respondent No.2 stated that the matter has been amicably resolved with all the accused persons. The settlement has been arrived at voluntarily, without any pressure or coercion. Respondent No. 2 further stated that that she has no objection to the quashing of the aforesaid FIR

against all the accused persons. Statements of both the petitioners as well as Kewal Kaur in respect to the settlement were recorded.

As per report dated 08.05.2017, submitted by the learned Additional Chief Judicial Magistrate, Kapurthala it is opined that the statements made before the court are voluntary and suffered without any kind of pressure or coercion. None of the accused persons are proclaimed offenders and neither are any such proceedings pending against them.

Learned counsel for the complainant/respondent No.2 reiterates and reaffirms the factum of settlement between the parties. It is stated that respondent No. 2 has no objection, whatsoever, to the quashing of the above mentioned FIR.

Learned counsel for the State on instructions from ASI Lakhwinder Pal Singh, Police Station Sadar, Kapurthala 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. 57 dated 31.05.2013 registered under Sections 498-A and 406 of the IPC at Police Station Sadar, Kapurthala 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**

**01.06.2017**  
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*Whether speaking/reasoned* : *Yes/No.*

*Whether reportable* : *Yes/No.*