

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

Criminal Misc. No. M- 11981 of 2017(O&M)

Date of Decision: August 29 , 2017.

Vikramjit Singh and another PETITIONER(s)

Versus

U.T. Chandigarh and another RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Munish Kumar, Advocate
for the petitioners.

Mr. Gautam Dutt, APP, U.T.

Mr. Vinod Kumar, Advocate
for the complainant/respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.548 dated 25.12.2014 under Sections 406/498A IPC registered at Police Station Sector 39, Chandigarh 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 instance of respondent No.2 due to matrimonial discord with her husband i.e., petitioner No.1. The matter has been amicably resolved between the parties before the learned trial court during the pendency of petitions under Section 125 Cr.P.C. and under the Protection of Women from Domestic Violence Act, 2005. Petitioner No.1 and

respondent No.2 decided to part ways. Petition under Section 13B of the Hindu Marriage Act, 1955 filed by them, it is informed, has since been allowed on 10.04.2017.

This Court on 23.05.2017 directed the parties to appear before learned trial court 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 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 23.05.2017, the parties appeared before the learned Judicial Magistrate First Class, Chandigarh and their statements were recorded on 30.05.2017. Respondent No.2 stated that the matter has been amicably resolved with both the accused petitioners. A sum of ₹4,70,000/- stated to have been received by her as full and final settlement of all her claims – past, present and future against the petitioners. It is stated that petition under Section 13B of Hindu Marriage Act, 1955 has been allowed on 10.04.2017. Respondent No.2 further stated that she has no objection to the quashing of the abovesaid FIR against both 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 Judicial Magistrate First Class, Chandigarh it is opined that the settlement between the

parties is genuine, arrived at out of their own free will without any coercion or pressure. None of the petitioners are declared 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 reiterated that respondent No.2 has no objection to the quashing of the abovementioned FIR against all the petitioners.

Learned counsel for U.T. Chandigarh 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.548 dated 25.12.2014

under Sections 406/498A IPC registered at Police Station Sector 39, Chandigarh
alongwith all consequential proceedings are, hereby, quashed.

August 29 , 2017.
'om'

(LISA GILL)
JUDGE

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