

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

Criminal Misc. No. M- 12139 of 2017 (O&M)

Date of decision : September 22, 2017

Nitin Chhabra and others

.....Petitioners

Versus

State of Punjab and another

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Deepak Girotra, Advocate
for the petitioners.

Mr. Karanbir Singh, AAG, Punjab.

Mr. R.K. Girdhar, Advocate
for respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No. 202 dated 12.11.2016 under Sections 406, 498A, 34 IPC registered at Police Station City Muktsar, Sri Muktsar Sahib 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 present petition has been filed on the basis of this compromise.

It is informed by learned counsel for the petitioners that a petition under Section 13B of Hindu Marriage Act, 1955 filed by respondent No. 2 and her husband – petitioner No. 1 has since been allowed

on 14.04.2017 and all claims – past, present and future of respondent No. 2 qua the petitioners stand satisfied.

This Court on 09.05.2017 directed the parties to appear before learned trial court/Illaq Magistrate for recording their statements in respect to the above-mentioned compromise. Learned trial court/Illaq 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/Illaq 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 09.05.2017, the parties appeared before the learned Chief Magistrate, Sri Muktsar Sahib and their statements were recorded on 17.05.2017. Respondent No.2 stated that the matter has been compromised by her with the intervention of respectables. The compromise, it is stated, has been arrived at out of her own free will, voluntarily, without any coercion, fraud or misrepresentation. Pendency of the petition under Section 13B of Hindu Marriage Act, 1955 has been mentioned in her statement. Respondent No.2 stated that she has no objection to the quashing of the abovesaid FIR qua the petitioners. Statements of the petitioners in respect to the compromise were also recorded.

As per report dated 30.05.2017 received from the learned Chief Judicial Magistrate, Sri Muktsar Sahib, it is opined that compromise arrived at between the parties is genuine, voluntary, without any threat, coercion or undue pressure. None of the petitioners are 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 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. 202 dated 12.11.2016 under Sections 406, 498A, 34 IPC registered at Police Station

City Muktsar, Sri Muktsar Sahib alongwith all consequential proceedings
are, hereby, quashed.

September 22, 2017
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No