

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

Criminal Misc. No.M- 12225 of 2017 (O&M)

Date of decision : September 28, 2017

Harish Sisodia and anotherPetitioners

Versus

State of Punjab and anotherRespondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Parshant Vashisth, Advocate
for the petitioners.

Mr. Karanbir Singh, AAG, Punjab.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No. 39 dated 26.04.2013 under Sections 406, 498A IPC registered at Police Station Women Cell, Ludhiana city 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. With the intervention of respectables and relatives, a compromise has been arrived at between the parties as reflected in the statements of petitioner No. 1 and respondent No. 2 on 23.12.2016 (Annexure P-2) at first motion in the proceedings in the petition under Section 13B of Hindu Marriage Act, 1955. The present petition has been filed on the basis of this compromise.

It is informed that the petition under Section 13B of Hindu Marriage Act, 1955 has since been allowed on 29.07.2017.

This Court on 24.07.2017 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 24.07.2017, the parties appeared before the learned Judicial Magistrate First Class, Ludhiana and their statements were recorded on 29.07.2017. Respondent No.2 stated that the matter has been compromised with both the petitioners out of her own free will, without any kind of pressure or coercion. Respondent No.2 further stated that she has no objection to the quashing of the abovesaid FIR qua both the petitioners. Petition under Section 13B of Hindu Marriage Act, 1955 was stated to be pending for 29.07.2017. A joint statement of the petitioners in respect to the compromise was also recorded.

As per report dated 11.08.2017 received from the learned Judicial Magistrate First Class, Ludhiana, it is opined that compromise between the parties is genuine, arrived at out of free will of the parties. It is affirmed that none of the petitioners is reported to be a proclaimed offenders. Statements of the parties are appended alongwith the said report.

Mr. Vinod Kumar Kaushal, Advocate, who had appeared on behalf of the complainant/respondent No. 2, affirmed and verified the factum of settlement between the parties.

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. 39 dated 26.04.2013 under Sections 406, 498A IPC registered at Police Station Women Cell, Ludhiana city 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.

September 28, 2017
rts

(Lisa Gill)
Judge

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