

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

**CRM No. M-12294 of 2017
Date of decision: 03.05.2017**

Navdeep Singh @ Mintu and others

..... Petitioners.

Versus

State of Punjab and another

..... Respondents.

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Dhirinder Chopra, Advocate, for the petitioners.

Mr. P.S. Paul, DAG, Punjab.

Mr. B.S. Saini, 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. 3 dated 21.01.2017 (**Annexure P-1**) registered under Sections 406 and 498-A of the Indian Penal Code (for short 'IPC') at Police Station Women Cell, District SAS Nagar, Mohali and all other consequential proceedings arising therefrom on the basis of an amicable settlement (**Annexure P-2**) arrived at between the parties.

It is stated that petitioner No. 1 and respondent No. 2, his wife have resolved their differences and are now living together.

Learned counsel for the petitioners points out that the above mentioned FIR has been registered only against petitioner No. 1 though in the complaint submitted by respondent No. 2, petitioners No. 2 and 3 have been named. In this view of the matter, he prays that he may be permitted to withdraw this petition qua petitioners No. 2 and 3. Ordered accordingly.

The above said FIR was registered at the behest of respondent No. 2-Smt. Asha due to matrimonial discord with her husband i.e. petitioner-Navdeep Singh @ Mintu.

With the intervention of respectables, elders and relatives, the matter has been amicably resolved between the parties. The terms and conditions of the compromise were reduced into writing on 04.04.2017. The compromise is on record of this petition as Annexure P-2. The petitioner-Navdeep Singh @ Mintu and respondent No. 2-Asha are now living together.

This Court on 10.04.2017 directed the parties to appear before the learned area Magistrate on 18.04.2017 for recording their statements in respect to the above-mentioned compromise. Learned trial Court was directed to submit a report regarding the validity of the compromise and to intimate regarding pendency of any criminal proceedings against the party.

Pursuant to order dated 10.04.2017, the parties appeared before the learned Sub Divisional Judicial Magistrate, Kharar and their statements were recorded on 18.04.2017. Respondent No.2-Smt. Asha has stated that the matter has been amicably settled with her husband and other family members. The settlement has been arrived at out of her own free will, without any coercion, inducement, threat or pressure. Respondent No. 2 has stated that she has no objection in case the above said FIR against the accused is quashed. Statement of the petitioner- Navdeep Singh @ Mintu along with his brother Mandeep Singh and mother Bhupinder Kaur has been recorded in respect to the settlement between the parties. Statement of ASI Balraj Singh, Police Station Women Cell, Mohali has been recorded to the effect that it is only Navdeep Singh, against whom the above said FIR has been registered. The accused is

not a proclaimed offender and neither are any such proceedings pending against him.

As per report dated 27.04.2017, submitted by the learned Sub Divisional Judicial Magistrate, Kharar, it is opined that the compromise between the parties is genuine, arrived at out of the free will of the parties, without any threat, coercion or undue influence.

Learned counsel for the complainant/respondent No.2 affirms and verifies the factum of settlement between the parties. Respondent No. 2, it is stated has no objection, whatsoever, to the quashing of the above mentioned FIR.

Learned counsel for the State on instructions from ASI Balraj Singh, Police Station Women Cell, Mohali 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. 3 dated 21.01.2017 registered under Sections 406 and 498-A of the IPC at Police Station Women Cell, District SAS Nagar, Mohali 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 petitioner or it is found that the settlement was a mere ruse to have the aforesaid FIR quashed.

(LISA GILL)
JUDGE

03.05.2017
PA

Whether speaking/reasoned : *Yes/No.*

Whether reportable : *Yes/No.*