

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

Criminal Misc. M- No. 13251 of 2017 (O&M)

Date of decision : July 12, 2017

Jaswinder Kaur and others

.....Petitioners

Versus

State of Punjab and another

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. N.S. Dandiwal, Advocate
for the petitioners.

Mr. Karambir Singh, AAG, Punjab.

Mr. Impinder Singh Dhaliwal, Advocate
for respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.125 dated 27.11.2014 registered under Sections 406, 498A of Indian Penal Code (for short – 'IPC') at Police Station Women Ludhaina, District Ludhiana 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.2. With the intervention of respectables and relatives, a compromise has been arrived at between the parties, the terms of which were reduced into writing on 27.03.2017. The parties wish to live in peace and harmony and put an end to the acrimony between them. The present petition has been filed on

the basis of this compromise.

This Court on 27.04.2017 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 27.04.2017, the parties appeared before the learned Judicial Magistrate First Class, Ludhiana on 16.05.2017 and their statements were recorded. Respondent No.2 stated that the matter has been amicably resolved with all the petitioners. A petition under Section 13-B of the Hindu Marriage Act, 1955 has been filed by her alongwith her husband, which is pending for 19.10.2017. It is further stated that all her claims qua the petitioners - past, present and future have been settled and the compromise has been arrived at between them without any pressure and coercion. Respondent No.2 stated that she has no objection to the quashing of the abovesaid FIR qua the petitioners. Statements of all the petitioners in respect to the compromise has been recorded as well.

As per report dated 01.07.2017 received from the learned Judicial Magistrate First Class, Ludhiana it is opined that the settlement between the parties is genuine, without any pressure from any corner and coercion. None of the petitioners are the Proclaimed Offenders in this case.

The 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, on instructions from ASI Ravinder Kumar, 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. 125 dated 27.11.2014 registered under Sections 406, 498A IPC at Police Station

Women Ludhaina, District Ludhiana 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.

July 12, 2017

rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No