

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

Criminal Misc. No. M- 13451 of 2017(O&M)

Date of Decision: October 7 , 2017.

Gurnam Singh @ Sunny PETITIONER(s)

Versus

State of Punjab and another RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Ms. Manjari Joshi, Advocate
for the petitioner.

Mr. Rana Harjasdeep Singh, AAG, Punjab.

Ms. Deepika Mittal, Advocate
for the complainant/respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.51 dated 29.09.2011, under Sections 498A/406 IPC registered at Police Station Women Cell, Jalandhar 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., the petitioner. With the intervention of respectables and relatives, a compromise was arrived at between the parties, the terms of which were reduced into writing on 14.03.2017 (Annexure P2). The petitioner and respondent No.2 decided to part ways.

It is informed that petition under Section 13B of the Hindu Marriage Act, 1955 has been filed. Statements of the parties at first motion have been recorded in the said petition and the said matter is now listed for 21.10.2017 for recording statements of the parties at second motion. The petitioner, it is submitted, undertakes to abide by the terms and conditions of the settlement and to hand over the balance of the settled amount to respondent No.2 in terms of the agreement dated 14.03.2017.

This Court on 30.05.2017 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 accused 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 30.05.2017, the parties appeared before the learned Judicial Magistrate First Class, Jalandhar and their statements were recorded on 01.07.2017. Respondent No.2 stated that the matter was amicably resolved with the petitioner out of her own free will, without any pressure, threat or coercion. She has further stated that she has no objection in case the abovesaid FIR is quashed against the accused petitioner. Statement of the petitioner in respect to the settlement was recorded as well.

As per report dated 01.07.2017 received from the learned Judicial

Magistrate First Class, Jalandhar, it is opined that the compromise between the parties is genuine and voluntary, arrived at without any pressure, coercion or undue influence from any quarter. The petitioner, who is the sole accused in this case, is not reported to be a proclaimed offender. Statements of the parties are appended alongwith the said report.

Learned counsel for respondent No.2 reiterated and reaffirmed the factum of settlement between the parties. It is stated that respondent No.2 has no objection to the quashing of the abovementioned FIR against the petitioner subject to strict adherence to the terms and conditions of the settlement by the petitioner.

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 the FIR in question as well as all consequential proceedings 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.51 dated 29.09.2011, under Sections 498A/406 IPC registered at Police Station Women Cell, Jalandhar 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 or it is found that the settlement was a mere ruse to have the aforesaid FIR quashed.

October 7, 2017.
'om'

(LISA GILL)
JUDGE

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