

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

CRM-M No.13512 of 2017

Date of decision: November 28, 2017

Jagdev Singh and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Naresh Jain, Advocate
for the petitioners.

Mr. Rahul Rathore, DAG, Punjab
for respondent No.1-State.

Mr. Manish Singh, Advocate
for respondent No.2.

LISA GILL, J.(ORAL)

Prayer is for quashing of FIR No.102 dated 25.11.2016, under Sections 323, 498-A, 506 IPC and later on added Section 316 IPC and Sections 3/4/5 of Domestic Violence Act, 2005, Police Station Sadar Patti, District Tarn Taran alongwith consequential proceedings arising therefrom on the basis of 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.2. With the intervention of respectables and relatives, the matter was amicably resolved between the parties, the terms and conditions of which were reduced into writing on 7th April, 2017 (Annexure P-2). It is informed that respondent No.2 is now residing at matrimonial home along with her husband petitioner No.2 and her in-laws. There is no child out of their wedlock.

This Court on 21st September, 2017 directed the parties to appear before learned Illaqa Magistrate for recording their statements in respect to the above-mentioned compromise. Learned Illaqa 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 violation of the parties without any coercion, fear or undue influence. Learned Illaqa 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 21st September, 2017, the parties appeared before the learned Sub Divisional Judicial Magistrate, Patti and their statements were recorded on 3rd October, 2017. Respondent No.2 stated that the matter has been amicably resolved by her out of her own free will and consent without any kind of undue influence, coercion or pressure. Respondent No.2 further stated that she has no objection to the quashing of the aforementioned FIR qua the petitioners.

As per report dated 7th October, 2017 received from the Sub Divisional Judicial Magistrate, Patti, it is opined that the compromise between the parties is genuine, voluntary, arrived at out of the sweet will of the parties, without any pressure, coercion or undue influence. None of the petitioners is reported to be a proclaimed offender/person. Statements of the parties are appended alongwith the said report.

Learned counsel for respondent No.2 reaffirms and verifies that respondent No.2 has no objection to the quashing of the above-mentioned FIR against all the petitioners subject to the petitioners

adhering to the terms and conditions of the settlement.

Learned counsel for the State, on instructions from ASI Nirmal Singh, submits 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 above-said 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.102 dated 25.11.2016, under Sections 323, 498-A, 506 IPC and added Section 316 IPC and Sections 3/4/5 of Domestic Violence Act, 2005, Police Station Sadar Patti, District Tarn Taran alongwith 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.

November 28, 2017
m. sharma

(LISA GILL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No