

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

Criminal Misc. No. M- 13584 of 2017(O&M)

Date of Decision: September 22 , 2017.

Vikram Verma and another PETITIONER(s)

Versus

State of Punjab and another RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Bhriugu Dutt Sharma, Advocate
for the petitioners.

Mr. Karanbir Singh, AAG, Punjab.

Mr. Gurcharan Dass, Advocate for
Mr. Pawan Sharma, Advocate
for the complainant/respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.5 dated 03.02.2015 under Sections 406/498A IPC registered at Police Station Women, Jalandhar 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 was arrived at between the parties, the terms of which were reduced into writing on 22.03.2017 (Annexure P2). Petitioner No.1 and respondent No.2 decided to part ways. It is

informed that petition under Section 13B of the Hindu Marriage Act, 1955 (for short, the 'HMA') was filed by them and statements of the parties at first motion have been recorded. A sum of ₹2,00,000/- was handed over to respondent No.2 at that time. In terms of the compromise another sum of ₹2,00,000/- was handed over to her at the time of recording of statements of the parties in the present case. It is submitted that statements of petitioner No.1 and respondent No.2 at second motion in the petition under Section 13B of the HMA are to be recorded on 27.09.2017 and remaining amount of ₹2,00,000/- out of the total settled amount of ₹6,00,000/- shall be remitted to respondent No.2 on the said date.

This Court on 14.07.2017 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 14.07.2017, the parties appeared before the learned Judicial Magistrate First Class, Jalandhar and their statements were recorded on 02.08.2017. Respondent No.2 stated that the matter has been compromised with the accused petitioners with the intervention of respectables. The compromise, it is stated, is genuine and effected voluntarily by her without any kind of pressure, threat, force or coercion. Respondent No.2 stated that she

received a sum of ₹2,00,000/- in terms of the settlement on 02.08.2017. She categorically stated that she has no objection in case the abovesaid FIR is quashed against the accused petitioners. Statements of the petitioners in respect to the settlement was recorded as well.

As per report dated 10.08.2017 received from the learned Judicial Magistrate First Class, Jalandhar, compromise between the parties is opined to be genuine, arrived at without any kind of pressure or coercion. None of the petitioners are reported to be proclaimed offenders. 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 provided there is strict adherence to the terms and conditions of the settlement by them.

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.5 dated 03.02.2015 under Sections 406/498A IPC registered at Police Station Women, Jalandhar 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 petitioners or it is found that the settlement was a mere ruse to have the aforesaid FIR quashed.

September 22 , 2017.
'om'

(**LISA GILL**)
JUDGE

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