

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

Criminal Misc. No. M- 13688 of 2017(O&M)

Date of Decision: September 19 , 2017.

Gursewak Singh and another PETITIONER(s)

Versus

State of Punjab and another RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Tajinder Pal Singh Makkar, Advocate
for the petitioners.

Mr. Karanbir Singh, AAG, Punjab.

Mr. VPS Mithewal, Advocate
for the complainant/respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.23 dated 18.02.2016 under Sections 498A/406/34 IPC registered at Police Station City Malout, District Sri Muktsar Sahib 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 11.04.2017 (Annexure P2). The parties wish to live in peace and harmony and put an end to

the acrimony between them. Petitioner No.1 and respondent No.2 decided to bury the hatchet and cohabit with each other. It is informed that respondent No.2 is residing at her matrimonial home alongwith her husband i.e., petitioner No.1.

This Court on 19.07.2017 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 volition 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 19.07.2017, the parties appeared before the learned Sub Divisional Judicial Magistrate, Malout and their statements were recorded on 18.08.2017. Respondent No.2 stated that the dispute between the parties has been amicably resolved with the intervention of the respectables. She has compromised the matter with the accused petitioners out of her own free will, without any pressure or coercion . It is further stated that she is now living with her husband and in-laws and she has no objection in case the abovesaid FIR is quashed against both the accused petitioners. Joint statement of the petitioners in respect to the settlement was recorded as well.

As per report dated 24.08.2017 received from the learned Sub Divisional Judicial Magistrate, Malout, it is opined that the settlement between the parties is genuine and voluntary, arrived at between them without any pressure, coercion or threat. 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 as long as the petitioners adhere to the terms and conditions of the settlement arrived at between the parties.

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.23 dated 18.02.2016 under Sections 498A/406/34 IPC registered at Police Station City Malout, District Sri Muktsar Sahib 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 19 , 2017.
'om'

(LISA GILL)
JUDGE

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