

Sr.No.239

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

Crl.Misc.M-14939 of 2016

Date of decision:01.03.2017

Sukhwinder Singh and others

..... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Ms. Payal Mehta, Advocate
for the petitioners.

Mr. K.D.Sachdeva, Addl.AG,Punjab.

Mr. Krishan Sehajpal, Advocate
for respondent No. 2.

LISA GILL, J.(Oral)

This petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of FIR No. 187 dated 21.11.2012 registered under Sections 406, 498-A of the Indian Penal Code (for short 'IPC') subsequently added Sections 420, 376, 120-B IPC at Police Station Sohana District S.A.S. Nagar and all other consequential proceedings arising therefrom on the basis of an amicable settlement arrived at between the parties.

The above said FIR arising out of matrimonial discord between petitioner No. 1 and respondent No. 2 was registered on the basis of complaint submitted by respondent No. 2-Ritu Verma. It is submitted that offence under Section 376 IPC in any case is not made out. The said offence was added subsequently on a statement suffered by respondent No. 2 under

Section 164 Cr.P.C raising certain allegations against petitioner No. 1, her husband.

Due to intervention of respectables and relatives matter has been amicably resolved. It is submitted that petitioner No. 1 and respondent No. 2 have filed a petition under Section 13-B of the Hindu Marriage Act, 1955 and the same has been allowed by the learned Additional District Judge, SAS Nagar, Mohali on 15.09.2016.

Pursuant to order dated 21.10.2016 and 20.12.2016, petitioner No. 3 through her power of attorney holder appeared before the learned Judicial Magistrate, Mohali on 21.10.2016 and respondent No. 2-Smt. Ritu Verma appeared on 31.01.2017. Statements of all the petitioners were recorded on 31.01.2017. Respondent No. 2-Smt. Ritu Verma has stated that the matter has been amicably resolved. The terms and conditions of the settlement have been reduced into writing on 24.12.2015. Respondent No. 2 has stated that compromise has been arrived at between the parties out of her own free will and volition of the parties, without any coercion, fear or undue influence. Petition under Section 13-B of the Hindu Marriage Act, 1955 has been allowed on 15.12.2016. She has stated that she has no objection what so ever to the quashing of the above said FIR qua all the petitioners as she is not interested in proceeding with the matter any longer. Joint statement of all the petitioners in respect of the settlement was also recorded before the learned Chief Judicial Magistrate, Mohali on 31.01.2017. Petitioner No. 2-Som Nath and Petitioner No. 3-Balwinder Kaur, parents of petitioner No. 1 were represented by their Special Power of Attorney Jasbir Singh son of Som Nath. Learned counsel for the petitioners

submits that petitioner Nos. 2 and 3 shall remain bound by the statements and acts of Jasbir Singh, their son and special power of attorney holder on their behalf. They shall remain bound by the terms and conditions of the compromise between the parties. None of the petitioners are proclaimed offenders.

As per Report dated 9.02.2017 submitted by the learned Chief Judicial Magistrate, SAS Nagar, Mohali, it is noted that the compromise effected between the parties is genuine, entered into out of their own free will and consent, without any coercion, undue influence or fear. Statements of the parties have been appended alongwith the report.

Learned counsel for the State, on instructions from Paramjit Singh, ASI Police Station Sohana submits that as the above said FIR is a fall out of matrimonial discord the State has no objection to the quashing of this FIR on the basis of a compromise 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”.

In view of the above, it would be in the interest of justice to quash the abovesaid FIR as no useful purpose would be served by continuing the present proceedings. It will only lead to wastage of the

precious time of the court and would be an exercise in futility.

This petition is, thus, allowed and FIR No. 187 dated 21.11.2012 registered under Sections 406, 498-A of the Indian Penal Code (for short 'IPC') subsequently added Sections 420, 376, 120-B IPC at Police Station Sohana District S.A.S. Nagar alongwith all consequential proceedings are hereby quashed.

1st March, 2017
Shivani Kaushik

[LISA GILL]
JUDGE

Whether speaking/reasoned : *Yes/No.*

Whether reportable : *Yes/No.*