

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

Criminal Misc. M- No. 15072 of 2016 (O&M)

Date of decision : March 17, 2017

Rajinder Kumar Puri and others

.....Petitioners

Versus

State of Punjab and another

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Parteek Pandit, Advocate for
Mr. Vivek Goel, Advocate
for the petitioners.

Mr. Rajpreet Singh Sidhu, AAG, Punjab.

Mr. Nitin Rampal, Advocate
for respondent No. 2.

LISA GILL, J.

This petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of FIR No. 10 dated 05.02.2015 (**Annexure P-1**) registered under Sections 498-A and 406 of the Indian Penal Code (for short 'IPC') at Police Station Kotkapura, District Faridkot and all other consequential proceedings arising therefrom on the basis of an amicable settlement arrived at between the parties.

The above said FIR was registered at the behest of father of respondent No. 2. It is informed that he has since passed away. Respondent No. 2 is only affected person in this case. The dispute arose between the

parties because of matrimonial discord between petitioner No. 1 and respondent No.2.

With the intervention of respectables, elders and relatives, the matter has been amicably resolved between the parties. The terms and conditions of the compromise were reduced into writing on 06.04.2016 (Annexure P-2).

This Court on 07.02.2017 directed the parties to appear before the learned trial Court on 22.02.2017 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 directed to intimate whether the petitioners are proclaimed offenders and whether any other case is pending against them. Information was sought as to whether all affected persons are party to the settlement.

Pursuant to order dated 07.02.2017, the parties appeared before the learned Judicial Magistrate 1st Class, Faridkot and their statements were recorded on 22.02.2017. Respondent No.2 has stated that she is the sole affected person in this case. Her father – the complainant passed away in the month of September 2015. She has stated that the matter has been amicably resolved between the parties. The compromise has been arrived at out of her own free will and consent, without any fraud and coercion. Custody of the minor child has been given to the accused – petitioner No. 1. Petition under Section 13-B of Hindu Marriage Act, 1955 filed by petitioner No. 1 and respondent No. 2 has been allowed. Respondent No. 2 has stated that she has no objection if the above said FIR against all the three petitioners is

quashed. Joint statement of all the three petitioners in respect to the settlement was recorded alongwith the statements of the police officials to submit that the present petitioners are the only three accused in this case and none of them are proclaimed offenders and neither any such proceedings are pending against them.

As per report dated 27.02.2017, submitted by the learned Judicial Magistrate 1st Class, Faridkot, it is opined that the compromise arrived at between the parties is out of free will and volition of the parties, without any inducement, threat, promise, coercion or undue influence from any quarter. The matter has been settled to eliminate bitterness and acrimony between the parties.

Learned counsel for the respondent No.2 affirms and verifies the factum of settlement between the parties. It is informed that a petition under Section 13-B of the Hindu Marriage Act, 1955 filed by petitioner No.1 and respondent No. 2 has since been allowed. It is stated that there is no impediment to the quashing of the above mentioned FIR and respondent No. 2 has no objection, whatsoever, to the quashing of the above mentioned FIR qua all the three petitioners.

Learned counsel for the State on instructions from HC Suba Singh submits that the present being a matrimonial dispute, the State has no objection to the quashing of this FIR on the basis of a settlement 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.

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

This petition is, thus, allowed and FIR No. 10 dated 05.02.2015 (**Annexure P-1**) registered under Sections 498-A and 406 of the Indian Penal Code (for short 'IPC') at Police Station Kotkapura, District Faridkot alongwith all consequential proceedings arising therefrom are hereby quashed.

March 17, 2017

rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes

Whether reportable : Yes/No