

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

Criminal Misc. No. M- 14139 of 2017(O&M)

Date of Decision: September 25 , 2017.

Faisal Rehman @ Jagdish Singh PETITIONER(s)

Versus

Amandeep Kaur and another RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Anupam Singla, Advocate
for the petitioner.

None for respondent No.1

Mr. Karanbir Singh, AAG, Punjab.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.323 dated 24.10.2014 under Section 498A IPC registered at Police Station City Sangrur, District Sangrur 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.1 due to matrimonial discord with her husband i.e., the petitioner. With the intervention of respectables and relatives, a compromise was arrived at between the parties, the terms of which were reduced into writing on 15.03.2016 (Annexure P2). The petitioner and respondent No.1 decided to bury the hatchet and live in peace and harmony.

It is informed that the petitioner and the complainant/respondent No.1 are now living together at their matrimonial home alongwith their minor child. Learned counsel for the petitioner further informs that complaint under the Protection of Women from Domestic Violence Act, 2005 and petition under Section 125 Cr.P.C. filed by the complainant/respondent No.1 have since been withdrawn by her.

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 accused 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, Sangrur and their statements were recorded on 24.07.2017. Respondent No.1 stated that she is now residing with her husband alongwith their minor son since the last one year. Petitions under Section 125 Cr.P.C. and the Protection of Women from Domestic Violence Act, 2005 have been withdrawn. She further stated that she has compromised the matter out of her own free will, without any kind of pressure and she has no objection in case the abovesaid FIR is quashed against the accused petitioner. Statement of the petitioner in respect to the settlement was recorded as well.

As per report dated 27.07.2017 received from the learned Judicial Magistrate First Class, Sangrur, it is opined that the compromise between the parties is genuine and voluntary, arrived at between them without any pressure, coercion or undue influence. The petitioner, who is stated to be the sole accused, is not reported to be a proclaimed offender. Statements of the parties are appended alongwith the said report.

Mr. Ankit Aggarwal, Advocate had appeared on behalf of the complainant/respondent No.1 before this Court on 14.07.2017. He had affirmed and verified the factum of settlement 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.323 dated 24.10.2014 under Section 498A IPC registered at Police Station City Sangrur, District Sangrur alongwith all consequential proceedings are, hereby, quashed.

However, liberty is afforded to respondent No.1 to file necessary application for revival of the proceedings in the above said FIR, in case any of the facts found incorrect or the terms and conditions of settlement between the parties are not adhered to by the petitioner and it is found that the settlement was a mere ruse to have the aforesaid FIR quashed.

September 25 , 2017.
'om'

(LISA GILL)
JUDGE

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