

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

Criminal Misc. M- No. 14226 of 2017 (O&M)

Date of decision : August 30, 2017

Gurdeep Singh

.....Petitioner

Versus

State of Punjab and another

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Naveen Kumar, Advocate for
Mr. Krishan Singh Dadwal, Advocate
for the petitioner.

Mr. Devinder Bir Singh, DAG, Punjab.

Mr. Vishal Sharma, Advocate for
Mr. Vijay Lath, Advocate
for respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No. 84 dated 28.12.2013 under Section 498A IPC registered at Police Station Garhdiwala, District Hoshiarpur and all other consequential proceedings arising therefrom on the basis of a compromise (Annexure P-4) arrived at between the parties.

The abovesaid FIR was registered at the behest of respondent No.2 due to matrimonial discord with her husband - petitioner. With the intervention of respectables and relatives, a compromise has been arrived at between the parties. The present petition has been filed on the basis of this compromise.

The exparte divorce obtained by respondent No. 2 on 16.08.2014 has been accepted by the petitioner. He has agreed not to contest the same.

This Court on 03.08.2017 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 the petitioner is absconding/proclaimed offender and whether any other case is pending against him. Information was sought as to whether all affected persons are a party to the settlement.

Pursuant to order dated 03.08.2017, the parties appeared before the learned Judicial Magistrate First Class, Dasuya and their statements were recorded on 16.08.2017. Respondent No.2 stated that the matter has been compromised with the petitioner with the intervention of the respectables of the village. Settlement, it is stated, has been arrived at out of her own free will, without any coercion or undue influence. It is further stated that two minor children born out of this wedlock would reside with her. She has no objection to the quashing of the abovesaid FIR qua the petitioner. It is mentioned by respondent No. 2 that all her dowry articles have been received by her and now she has remarried on 05.05.2017. Statements of the petitioner in respect to the compromise was also recorded.

As per report dated 21.08.2017 received from the learned Judicial Magistrate First Class, Dasuya it is opined that the compromise between the parties is genuine. The petitioner is not reported to be a

proclaimed offender. 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 the petitioner.

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 this FIR 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. 84 dated 28.12.2013

under Section 498A IPC registered at Police Station Garhdiwala, District
Hoshiarpur alongwith all consequential proceedings are, hereby, quashed.

August 30, 2017
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No