

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

CRM No. M-15254 of 2016

Date of decision: 16.01.2017

Saroop Singh and others

..... Petitioners.

Versus

State of Punjab and another

..... Respondents.

CORAM: HON'BLE MS. JUSTICE LISA GILL

Present: Mr. K.S. Kahlon, Advocate for the petitioner.

Mr. Gurinderjit Singh, DAG, Punjab

None 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. 112 dated 01.10.2010 (Annexure P-1) registered under Sections 406 and 498-A of the Indian Penal Code (for short 'IPC') at Police Station Ghuman, District Batala and all other subsequent proceedings arising therefrom on the basis of an amicable settlement (Annexure P-2) arrived at between the parties.

The above said FIR has been registered on the statement of Smt. Daljeet Kaur- respondent No. 2.

Due to the intervention of family members and respectables, the matter has been amicably resolved between between the parties. The terms of settlement were reduced into writing on 17.04.2016 (Annexure P-2). The parties wish to live in peace and harmony and put an end to the acrimony between them. Present petition has been filed on the basis of this compromise.

This FIR arises out of a matrimonial dispute between petitioner No.2 and respondent No.2, which has since been amicably resolved vide the abovementioned compromise/settlement. It is stated that petitioner No.2-Sh. Resham Singh and respondent No. 2-Smt. Daljeet Kaur are now cohabiting together and the couple has been blessed with a son.

This Court on 11.11.2016 had directed the parties to appear before learned Illaqa Magistrate/trial court on 14.12.2016 for getting their statements recorded in respect to the above-mentioned compromise. Learned Illaqa Magistrate/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 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 11.11.2016, the parties appeared before the learned Judicial Magistrate 1st Class, Batala and their statements were recorded on 16.12.2016. Statement of respondent No.2- Smt. Daljit Kaur was recorded to the effect that the matter has been settled with the intervention of respectables of the locality. They are living together peacefully having no grudge against each other. It is further stated that she does not want to proceed with the present case against the accused persons. Settlement has been arrived at out of her own free will without any coercion, pressure or undue influence. She has no objection if the said FIR is quashed. Joint statement of the accused persons/petitioners with regard to the settlement arrived at between the parties has also been recorded.

As per report dated 20.12.2016 of the learned Judicial Magistrate 1st Class, Batala it is noted that the compromise between the parties is genuine, voluntarily and entered into without any coercion, undue influence or any pressure. No other case is pending between the parties. Statements of the parties have been appended alongwith the report.

Ms. Daljit Kaur, Advocate appeared on behalf of respondent No. 2 on 11.11.2016. The parties had thereafter been directed to appear before the Area Magistrate/trial Court for recording of their statements.

Learned counsel for the State, on instructions from ASI Sarup Singh, submits that respondent No. 2 and petitioner No. 2 are living together and the present being a matrimonial dispute, the State has no objection to the quashing of this FIR on the basis of the 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”.

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. 112 dated 01.10.2010 registered under Sections 406 and 498-A IPC at Police Station Ghuman,

District Batala and all other subsequent proceedings arising therefrom are hereby quashed.

(LISA GILL)
JUDGE

16.01.2017

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Whether speaking/reasoned : *Yes/No.*

Whether reportable : *Yes/No.*