

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

Criminal Misc. No. M-14641 of 2017

Date of Decision: July 27 , 2017.

Mukesh Kumar @ Bittu and Others PETITIONER(s)

Versus

State of Punjab and Another RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. R.K. Girdhar, Advocate for the petitioners.

Mr. Karambir Singh, AAG, Punjab.

None for respondent No. 2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.144, dated 22.08.2016 registered under Section 498-A, 323, 506 read with Section 34 of the Indian Penal Code ('IPC'- for short) at Police Station City, District Sri Muktsar Sahib 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 behest of respondent No.2 due to matrimonial discord with her husband i.e., petitioner No.4. With the intervention of respectables and relatives, a compromise has been arrived at between the parties, the terms of which were reduced into writing on 15.04.2017(Annexure P/2). The parties wish to live in peace and harmony and put an end to the acrimony between them.

It is informed that petition under Section 13-B Hindu Marriage Act preferred by respondent No. 2 and petitioner No. 4 is pending for 01.08.2017 for recording of the statements of the parties at second motion. The parties it is submitted shall strictly adhere to the terms and conditions of settlement arrived at between them.

This Court on 01.05.2017 directed the parties to appear before the 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 number of persons arrayed as accused and any of the petitioners are proclaimed offenders.

Pursuant to order dated 01.05.2017, the parties appeared before the learned Chief Judicial Magistrate, Sri Muktsar Sahib on 15.05.2017 Respondent No. 2 complainant stated that the matter has been amicably resolved with all the petitioners. Settlement has been arrived at out of her own free will and consent, without any fear, pressure or coercion. It is further stated that she has no objection to the quashing of the FIR aforementioned against all the petitioners. Statements of the petitioners in respect to settlement have been recorded as well.

As per report dated 16.05.2017 received from the learned Chief Judicial Magistrate, Sri Muktsar Sahib it is opined that the compromise between the parties is genuine, voluntary and arrived at out of their own free will. None of the petitioners are reported to be proclaimed offenders. Statements of the parties are appended alongwith the said report.

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.144, dated 22.08.2016 registered under Section 498-A, 323, 506 read with Section 34 of the Indian Penal Code ('IPC'- for short) at Police Station City, District Sri Muktsar Sahib alongwith all consequential proceedings are, hereby, quashed.

However, liberty is afforded to respondent No. 2 to file necessary application for revival of the proceedings in the above said FIR, in case the terms and conditions of settlement between the parties are not adhered to by

the petitioner(s) or it is found that the settlement was a mere ruse to have the aforesaid FIR quashed.

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

July 27, 2017
Poonam (II)

(LISA GILL)
JUDGE