

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

Crl. Misc. No.M-15590 of 2016

Date of decision: 30.01.2017

Ramesh Kumar and others

... Petitioners

versus

State of Punjab and others

.... Respondents

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. G.S. Sandhu, Advocate for the petitioners.

Mr. P.S. Paul, DAG Punjab.

Mr. Dinesh Maurya, Advocate for respondent No.2.

LISA GILL, J. (ORAL)

This petition has been filed under Section 482 Cr.P.C. For quashing of FIR No. 47 dated 15.04.2016 under Section 406, 498-A IPC, registered at Women Police Station, Ludhiana City, District Ludhiana on the basis of a compromise arrived at between the parties on 04.05.2016.

The above said FIR was registered on the basis of statement of respondent No.2, i.e. wife of petitioner No.1-Ravinder Kaur. The dispute stems from matrimonial discord between the said persons.

Due to intervention of respectables and relatives, a compromise has been arrived at between the parties, the terms of which were reduced in writing on 04.05.2016. The parties are residing peacefully together at their matrimonial home and wish to put an end to the acrimony between them. Present petition has been filed on the

basis of this compromise. This Court on 18.11.2016 had directed the parties to appear before the learned trial court on 16.12.2016 for getting their statements recorded 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 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 party to the settlement.

Pursuant to order dated 18.11.2016, the parties appeared before the learned Judicial Magistrate 1st Class, Shilpa Singh and their statements were recorded on 16.12.2016. Respondent No.2-Ravinder Kaur (complainant) made a statement to the effect that she has compromised the matter with the accused-petitioners out of her own free will and volition, without any coercion, undue influence or fear. Respondent No.2 has stated that she is living with her husband i.e. respondent No.1. Further she has no objection in case the abovesaid FIR is quashed. Statement of the petitioner No.1 was also recorded. Statement of petitioner No.2-Gurmail Singh (father of petitioner No.1) was not recorded as he was not present. Learned counsel for the petitioners submit that petitioner No.2 shall remain bound by this settlement. He is petitioner No.1's father and is interested in harmonious relations of his son and daughter-in-law.

As per report dated 10.01.2017 of the Judicial Magistrate 1st Class, Shilpa Singh, it is noted that the compromise effected between the parties is genuine, entered into out of their own free will and consent, without any coercion, undue influence or fear. Statements of the parties have been appended alongwith the report.

Learned counsel for respondent No.2 affirms and verifies the factum of settlement between the parties. It is stated that respondent No. 2 has no objection to the quashing of above mentioned FIR.

Learned counsel for the State, on instructions from HC Charanjit Singh, Police Station Women Cell Ludhaina submits that the State has no objection to the quashing of this FIR on the basis of the compromise 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 FIR No. 47 dated 15.04.2016

under Section 406, 498-A IPC, registered at Women Police Station, Ludhiana City, District Ludhiana alongwith all consequential proceedings are hereby quashed.

(LISA GILL)
JUDGE

30.01.2017

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Whether speaking/non-speaking: Yes/No

Whether reportable : Yes/No