

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

Criminal Misc. No.M- 14667 of 2017 (O&M)

Date of decision : November 24, 2017

Amit Kumar and others

.....Petitioners

Versus

State of Punjab and another

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Sandeep Arora, Advocate
for the petitioners.

Mr. Saurav Khurana, DAG, Punjab.

Mr.G.S. Rawat, Advocate
for respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No. 78 dated 27.12.2012 under Sections 498A, 406 IPC registered at Police Station Women Cell, Jalandhar city 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.2 due to matrimonial discord with her husband i.e., petitioner No.1. 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 17.01.2017 (Annexure P-2). The present petition has been filed on the basis of this compromise.

It is informed that petition under Section 13B of Hindu

Marriage Act, 1955 filed by respondent No. 2 and her husband – petitioner

No. 1 has been allowed on 16.08.2017. Photocopy of the said judgment and decree dated 16.08.2017 was taken on record on 11.09.2017.

This Court on 11.09.2017 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 petitioners 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 11.09.2017, the parties appeared before the learned Judicial Magistrate First Class, Jalandhar and their statements were recorded on 18.09.2017. Respondent No.2 stated that the matter has been amicably resolved with all the accused petitioners out of her own free will, without any pressure, coercion or undue influence. Respondent No.2 stated that she has no objection to the quashing of the abovesaid FIR qua all the petitioners. Judgment and decree dated 16.08.2017 in petition under Section 13B of Hindu Marriage Act was re-affirmed. Statements of the petitioners in respect to the compromise were also recorded. Statement of petitioner No. 2 – Mohinder Pal has been recorded through Local Commissioner as he is bed ridden due to sickness.

As per report dated 06.10.2017 received from the learned Judicial Magistrate First Class, Jalandhar, the compromise between the parties is opined, to be genuine, arrived at out of free will of the parties, without any force or pressure. None of the petitioners is 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.

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. 78 dated 27.12.2012 under Sections 498A, 406 IPC registered at Police Station

Women Cell, Jalandhar city alongwith all consequential proceedings are,
hereby, quashed.

November 24, 2017
rts

(Lisa Gill)
Judge

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