

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

Criminal Misc. No. M- 14698 of 2017(O&M)

Date of Decision: September 25 , 2017.

Manzoor Khan @ Manzoor Mohd. and others

..... PETITIONER(s)

Versus

State of Punjab and another

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Sunny K.Singla, Advocate
for the petitioners.

Mr. Karanbir Singh, AAG, Punjab.

None respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.35 dated 05.06.2016 under Sections 307/324/323/506/498A/406/120B IPC registered at Police Station City Ahmedgarh, District Sangrur and all other consequential proceedings arising therefrom on the basis of a compromise arrived at between the parties.

It is informed that the offence punishable under Section 307 IPC has since been deleted. This fact is verified by learned counsel for the State, on instructions from HC Sadiq Khan.

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 was arrived at between the parties, the terms of which were reduced into writing on 18.04.2017 (Annexure P2). Petitioner No.1 and respondent No.2 have decided to part ways.

This Court on 20.07.2017 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 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 20.07.2017, the parties appeared before the learned Judicial Magistrate First Class, Malerkotla and their statements were recorded on 16.08.2017. Respondent No.2 stated that the matter has been compromised by her with the accused petitioners out of her own free will without any pressure. Photocopy of the compromise was tendered as Mark 'CX'. Respondent No.2 further stated that she has no objection in case the abovesaid FIR is quashed against the accused petitioners in view of the settlement arrived at between the parties. Joint statement of the petitioners in respect to the settlement was recorded as well.

As per report dated 16.08.2017 received from the learned Judicial Magistrate First Class, Malerkotla, compromise between the parties is opined to

be genuine and voluntary, arrived at without any coercion or undue influence. None of the petitioners are reported to be proclaimed offenders. Statements of the parties are appended alongwith the said report.

Mr. Hahipal S.Yadav, Advocate had appeared on behalf of respondent No.2 before this Court on 20.07.2017. He affirmed and verified the factum of settlement between the parties.

Learned counsel for the State, on instructions from HC Sadiq Khan, submits that as the abovesaid FIR arises out of a matrimonial dispute, the State has no objection to the quashing of the FIR in question as well as all consequential proceedings 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.35 dated 05.06.2016 under Sections 307/324/323/506/498A/406/120B IPC registered at Police Station City Ahmedgarh, District Sangrur 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.

September 25 , 2017.
'om'

(LISA GILL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No