

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

Criminal Misc. No. M- 14705 of 2017(O&M)

Date of Decision: December 15 , 2017.

Ashwani Kumar and others PETITIONER(s)

Versus

State of Punjab and another RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. R.S.Thakur, Advocate
for the petitioners.

Mr. Rahul Rathore, DAG, Punjab.

None for respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.76 dated 10.11.2014 under Sections 498A/406/323/506 IPC, registered at Police Station Tibber, District Gurdaspur 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 was arrived at between the parties, the terms of which were reduced into writing on 07.03.2017 (Annexure P2). Petitioner No.1 and respondent No.2 decided to part ways.

It is submitted that petition under Section 13B of the Hindu

Marriage Act, 1955 was filed by petitioner No.1 and respondent No.2. Learned counsel for the petitioners informs that the said petition has been allowed on 20.09.2017. The articles/Istridhan have been handed back to respondent No.2 and nothing remains due towards her.

This Court on 22.09.2017 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 22.09.2017, the parties appeared before the learned Additional Chief Judicial Magistrate, Gurdaspur and their statements were recorded on 29.09.2017. Respondent No.2 stated that she has amicably resolved the matter with all the accused-petitioners. The compromise, it is stated, has been arrived at out of her own free will and consent, without any pressure or coercion. Respondent No.2 further stated that she has no objection in case the abovesaid FIR against the accused petitioners is quashed. Joint statement of the petitioners in respect to the settlement was recorded as well.

As per report dated 07.10.2017 received from the learned Additional Chief Judicial Magistrate, Gurdaspur, satisfaction has been expressed that the compromise between the parties is genuine and voluntary, arrived at without any undue influence, coercion or threat. None of the petitioners are reported to be

proclaimed offenders. Statements of the parties are appended alongwith the said report.

Mr. Jagatpal Singh Banwait, Advocate had appeared on behalf of respondent No.2 before this Court on 22.09.2017. He affirmed and verified the factum of settlement between the parties, pursuant to which the parties were directed to appear before the learned trial court for recording their statements in respect to the settlement.

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 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. 76 dated 10.11.2014 under Sections 498A/406/323/506 IPC, registered at Police Station Tibber, District Gurdaspur 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 petitioners or it is found that the settlement was a mere ruse to have the aforesaid FIR quashed.

December 15 , 2017.
'om'

**(LISA GILL)
JUDGE**

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