

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

Criminal Misc. No. M- 14857 of 2017(O&M)

Date of Decision: July 13 , 2017.

Ankit Lamba and others PETITIONER(s)

Versus

State of Punjab and another RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Paras Talwar, Advocate
for the petitioners.

Mr. Karambir Singh, AAG, Punjab.

Ms. Amanpreet Kaur, Advocate for
Mr. Nakul Sharma, Advocate
for respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.99 dated 04.07.2015 under Sections 498A/406/328/313 IPC registered at Police Station City Muktsar 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.1. The matter was ultimately settled between the parties during the pendency of CrI.Misc. No.M-1172 of 2017 before this Court. Terms and conditions of the settlement were reduced into writing on 23.03.2017. The parties wish to live in peace and

harmony and put an end to the acrimony between them. Petitioner No.1 and respondent No.2 have decided to part ways.

This Court on 01.05.2017 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 01.05.2017, the parties appeared before the learned Sessions Judge, Sri Muktsar Sahib and their statements were recorded on 22.05.2017. Respondent No.2 stated that the matter has been amicably resolved by her with all the accused persons. The settlement has been arrived at voluntarily out of her own free will without any kind of pressure or undue influence. The written compromise produced as Ex.C1 before the learned trial court was accepted to be bearing her signatures as well as that of her father alongwith the accused persons and other respectables. Respondent No.2 stated that she has no objection to the quashing of the abovesaid FIR qua the petitioners. Statements of all the accused petitioners in respect to the settlement were recorded as well.

As per report dated 23.05.2017 received from the learned Sessions Judge, Sri Muktsar Sahib it is opined that that the settlement between the parties is genuine and voluntary arrived at out of their free will. None of the petitioners

are proclaimed offenders in this case. The statements of the parties are appended alongwith the said report.

It is informed by learned counsel for the petitioners and respondent No.2 that petition under Section 13B of the Hindu Marriage Act, 1955 has been filed. Statements of the parties at first motion have been recorded. A sum of ₹62,50,000/- has been received by respondent No.2. Statements of the parties are yet to be recorded at second motion in the said petition.

Learned counsel appearing for respondent No.2 while affirming the settlement between the parties submits that her client has no objection to the quashing of the abovementioned FIR against all the petitioners subject to strict adherence to the terms and conditions of the settlement by the petitioners.

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.99 dated 04.07.2015 under Sections 498A/406/328/313 IPC registered at Police Station City Muktsar alongwith all consequential proceedings are, hereby, quashed.

Needless to say that in case, the terms and conditions of the settlement between the parties, specifically if the payment of second installment of ₹62,50,000/- is not handed over by the petitioners at the time of recording of the statements of the parties at second motion in the petition under Section 13B of the Hindu Marriage Act, 1955 or it is found that the settlement was a mere ruse to have the aforesaid FIR quashed, the proceedings in the abovesaid FIR are liable to be revived.

July 13 , 2017.
'om'

(LISA GILL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No