

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

Criminal Misc. No. M- 14995 of 2017(O&M)

Date of Decision: November 15 , 2017.

Amrik Singh PETITIONER(s)

Versus

State of Punjab and another RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Vinod Kumar, Advocate
for the petitioner.

Mr. Karanbir Singh, AAG, Punjab.

Mr. Amit Shukla, Advocate for
Mr. Parminder Singh, Advocate
for the complainant/respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.179 dated 19.12.2015 under Sections 498A/406 IPC registered at Police Station Mukerian 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., the petitioner. 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).

It is informed that the parties decided to bury the hatchet and have resumed cohabitation since April, 2017.

This Court on 20.07.2017 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 accused 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, Mukerian and their statements were recorded on 16.08.2017. Respondent No.2 stated that the matter has been amicably resolved by her with the petitioner, who is the sole accused in this case, out of her own free will without any pressure, undue influence or coercion. It is further stated by respondent No.2 that she has no objection in case the FIR in question against the accused petitioner is quashed. Statement of the petitioner in respect to the settlement was recorded as well.

As per report dated 06.09.2017 received from the learned Judicial Magistrate First Class, Mukerian, it is opined that compromise between the parties is genuine and voluntary, arrived at out of free will of the parties without any coercion or undue influence. The petitioner is not 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 is living at her matrimonial home alongwith the petitioner since April, 2017. It is submitted that respondent No.2 has no objection to the quashing of the abovementioned FIR against the petitioner.

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.179 dated 19.12.2015 under Sections 498A/406 IPC registered at Police Station Mukerian 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 or it is found that the settlement was a mere ruse to have the aforesaid FIR quashed.

November 15 , 2017.
'om'

(LISA GILL)
JUDGE

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