

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

Criminal Misc. No. M- 15147 of 2017(O&M)

Date of Decision: September 28 , 2017.

Varun Bajaj

..... PETITIONER(s)

Versus

Union Territory, Chandigarh and another

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Kunal Vinayak, Advocate for
Mr. Vivek Lamba, Advocate
for the petitioners.

Mr. Gagandeep Wasu, APP, U.T.

Mr. G.S.Sidhu, Advocate for
Mr. Ajit Singh, Advocate
for the complainant/respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.72 dated 08.09.2016 under Section 406/498A IPC, registered at Police Station Sector 17, Chandigarh 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 04.11.2016

(Annexure P2). The petitioner and respondent No.2 have decided to part ways.

It is informed that the petition under Section 13B filed by the petitioner and respondent No.2 has since been allowed.

The present petition has been filed for quashing of the abovementioned FIR qua the accused petitioner – Varun Bajaj only whereas there are two accused persons in this case. Smt. Sunita Bajaj, the present petitioner's mother is also an accused. However, learned counsel for the petitioner has pleaded no instructions on her behalf and neither is she a party to this petition though her statement in respect to the settlement has been recorded before the learned Judicial Magistrate First Class, Chandigarh. As per the decision in **Parambir Singh Gill v. Malkiat Kaur, 2010(1) RCR(Criminal) 256** FIR can be quashed against some of the accused persons on the basis of a settlement arrived at between the parties.

This Court on 24.07.2017 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 24.07.2017, the parties appeared before the learned Judicial Magistrate First Class, Chandigarh and their statements were recorded on 03.08.2017. Respondent No.2 stated that matter has been resolved

amicably with the intervention of relatives and respectable persons. The settlement with the accused petitioner, it is stated, has been arrived at without any pressure, coercion or threat from any quarter. It is stated that petition under Section 13B of the Hindu Marriage Act, 1955 has since been allowed. Respondent No.2 stated that she has no objection in case the abovesaid FIR is quashed against the accused petitioner as the entire settled amount has been received by her. Joint statement of the petitioner as well as co-accused in respect to the settlement was recorded.

As per report dated 03.08.2017 received from the learned Judicial Magistrate First Class, Chandigarh, it is opined that the compromise between the parties is genuine and valid. The petitioner is not reported to be a proclaimed offender. It is further mentioned in the aforesaid report that there are two accused in the present case.

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 against the petitioner.

Learned counsel appearing for the Union Territory, Chandigarh 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.72 dated 08.09.2016 under Section 406/498A IPC, registered at Police Station Sector 17, Chandigarh alongwith all consequential proceedings are, hereby, quashed qua the petitioner.

September 28 , 2017.
'om'

(LISA GILL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No