

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

CRM No. M-16161 of 2016

Date of decision: 31.01.2017

Satinder Singh and another

..... Petitioners.

Versus

State of Punjab and another

..... Respondents.

CORAM: HON'BLE MS. JUSTICE LISA GILL

Present: Mr. Raman Goklaney, Advocate for the petitioners.

Mr. P.S. Paul, DAG, Punjab.

Mr. A.K. Walia, Advocate, for respondent No.2.

LISA GILL, J.

This petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of FIR No. 16 dated 09.04.2015 (Annexure P-1) registered under Sections 406 and 498-A of the Indian Penal Code (for short 'IPC') (Section 406 IPC added later on) at Women Police Station, Bathinda and all other consequential proceedings arising therefrom on the basis of an amicable settlement (Annexure P-3) arrived at between the parties.

The above said FIR was registered on the complaint filed by respondent No. 2- Smt. Meenu alleging commission of offences under Sections 406 and 498-A IPC qua the petitioners.

This FIR arises out of a matrimonial discord between petitioner No.1 and respondent No.2. Due to the intervention of family members and respectables, the matter has been amicably resolved between the parties. The terms of settlement were reduced into writing on 11.04.2016 (Annexure P-3). The parties wish to live in peace and harmony and put an

end to the acrimony between them. Present petition has been filed on the basis of this compromise.

This Court on 21.09.2016 had directed the parties to appear before learned Illaqa Magistrate/trial court on 25.10.2016 for getting their statements recorded in respect to the above-mentioned compromise. Learned Illaqa Magistrate/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 the petitioners are proclaimed offender and whether any other case is pending against them. Information was also sought as to whether all affected persons are party to the settlement.

Pursuant to order dated 21.09.2016, the parties appeared before the learned Judicial Magistrate 1st Class, Bathinda and their statements were recorded on 25.10.2016. Respondent No.2- Smt. Meenu has stated that she has settled the matter amicably with both the accused persons. The settlement has been arrived at out of her own free will, without any pressure or coercion. It is further stated that she has no objection in case the above said FIR is quashed against both the petitioners. Statements of the petitioners was also recorded.

As per report dated 26.10.2016 by the learned Judicial Magistrate 1st Class, Bathinda, it is noted that the compromise arrived at between the parties is genuine, arrived at voluntarily out of free will of the parties, without any coercion or undue influence. Photocopies of the statements of the parties have been appended alongwith the report.

Learned counsel for the complainant- respondent No.2 affirms and verifies the factum of settlement between the parties. It is stated that

respondent No. 2, who is present in Court has no objection to the quashing of above mentioned FIR against both the petitioners.

Learned counsel for the State, on instructions from ASI Jagdev Singh, Police Station Women Cell, Bathinda submits that the present being a matrimonial dispute the State has no objection to the quashing of this FIR on the basis of the settlement 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”.

In view of the above, it would be in the interest of justice to quash the abovesaid FIR as no useful purpose would be served by continuing the present proceedings. It will only lead to wastage of the precious time of the court and would be an exercise in futility.

This petition is, thus, allowed and FIR No. 16 dated 09.04.2015 (Annexure P-1) registered under Sections 406 and 498-A IPC at Women Police Station, Bathinda alongwith all consequential proceedings are hereby quashed.

(LISA GILL)
JUDGE

31.01.2017
PA

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.