

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

Criminal Misc. No. M- 15300 of 2017(O&M)

Date of Decision: July 13 , 2017.

Manjit Singh and another PETITIONER(s)

Versus

State of Punjab and another RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Sarju Puri, Advocate
for the petitioners.

Mr. Karambir Singh, AAG, Punjab.

Mr. Jagat Pal Singh Banwait, Advocate
for respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.114 dated 02.07.2015 under Sections 498A/406 IPC registered at Police Station Garhshankar, District Hoshiarpur 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. With the intervention of respectables and relatives, a compromise has been arrived at between the parties, the terms of which were reduced into writing on 15.10.2016. 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 03.05.2017 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 03.05.2017, the parties appeared before the learned Sub Divisional Judicial Magistrate, Garhshankar and their statements were recorded on 25.05.2017. Respondent No.2 stated that with intervention of the respectables of the society, the dispute has been amicably resolved. Settlement has been arrived at out of her own free will without any threat, pressure or undue influence. She further stated that the original compromise between the parties is attached with the file of petition under Section 13B of the Hindu Marriage Act, 1955. Respondent No.2 stated that she has no objection to the quashing of the abovesaid FIR qua the petitioners. A joint statement of the petitioners in respect to the settlement was recorded as well.

As per report dated 15.06.2017 received from the learned Sub Divisional Judicial Magistrate, Garhshankar it is opined that the compromise is genuine and arrived at free will of the parties without any kind of pressure or coercion. None of the petitioners are proclaimed offenders. The 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 has no objection to the quashing of the abovementioned FIR against all the petitioners. It is stated that during the interregnum the petition under Section 13B of the Hindu Marriage Act, 1955 has been allowed and the entire settled amount has been received by respondent No.2.

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.114 dated 02.07.2015 under Sections 498A/406 IPC registered at Police Station Garhshankar, District Hoshiarpur 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(s) or it is found that the settlement was a mere ruse to have the aforesaid FIR quashed.

July 13 , 2017.
'om'

(LISA GILL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No