

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

**Crl. Misc. No. M-15348 of 2017
Date of Decision : November 02, 2017**

Rishab Sood and othersPetitioners

Versus

State of Punjab and another Respondents

CORAM : HON'BLE MRS. JUSTICE LISA GILL

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Present: Mr. J.S.Chahal, Advocate
for the petitioners.

Mr. Ayush Sarna, AAG, Punjab.

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LISA GILL, J. (Oral)

Prayer in this petition is for quashing of FIR No.25 dated 23.02.2015 under Sections 406/498-A/323/313 IPC registered at Police Station Fatehgarh Sahib along with all other consequential proceedings arising therefrom on the basis of a settlement arrived at between the parties.

The abovesaid FIR was registered at the instance of respondent No.2 due to matrimonial discord with her husband-petitioner No.1. Petition under Section 13 of the Hindu Marriage Act, 1955 was preferred by respondent No.2. During the pendency of the said petition, the matter was amicably resolved between the parties and their statements to this effect were recorded, which are attached as Annexure P2 with this petition. The petitioners seek quashing of the abovesaid FIR on the basis of this settlement.

Pursuant to order dated 19.07.2017, the parties appeared before the learned Additional Sessions Judge, Fatehgarh Sahib on 19.08.2017. Statement of respondent No.2 was recorded to the effect that the matter has been amicably resolved by her with all the accused persons and she no longer wishes to take any action against them. It is stated that the petition under Section 13-B of the Hindu Marriage Act, 1955 has been allowed on 22.05.2017. The entire settled amount stood handed over to her. It is stated that the settlement was arrived at out of her own free will, without any kind of threat, pressure or coercion. It was clarified by respondent No.2 that there is no separate written compromise. The terms of settlement it is stated are reflected in their statements in the proceedings under the Hindu Marriage Act, 1955. Respondent No.2 stated that she has no objection to the quashing of the abovesaid FIR against all the accused-petitioners. Joint statement of the petitioners in respect to the settlement was recorded as well.

As per report dated 31.08.2017 received from the learned Additional Sessions Judge, Fatehgarh Sahib, it is opined that the settlement between the parties is genuine, arrived at out of their own free will and without any threat, pressure or coercion. Reference is also made to the statement of the parties suffered in the petition under Section 13-B of the Hindu Marriage Act, 1955. Petitioners are not reported to be proclaimed offenders. Statements of the parties recorded in the proceedings under the Hindu Marriage Act, 1955 are also appended along with the said report.

Learned counsel for the State submits that as the above-said 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 above-said 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. 25 dated 23.02.2015 under Sections 406/498-A/323/313 IPC registered at Police Station Fatehgarh Sahib along with all consequential proceedings are, hereby, quashed.

02.11.2017
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(LISA GILL)
JUDGE

Note: Whether speaking/reasoned

Yes / No

Whether Reportable:

Yes / No