

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

Criminal Misc. No. M- 15476 of 2017(O&M)

Date of Decision: September 22 , 2017.

Jagdeep Singh PETITIONER(s)

Versus

State of Punjab and another RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Madan Gupta, Advocate
for the petitioner.

Mr. Karanbir Singh, AAG, Punjab.

Mr. Mandeep K.Dhot, Advocate
for respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.47 dated 13.05.2015 under Sections 406/498A IPC registered at Police Station Women, District Ludhiana 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. The matter has been amicably settled between the parties before the Mediation and Conciliation Centre of the Hon'ble Supreme Court, the terms of which were reduced into writing on 17.09.2016 (Annexure P2). The petitioner and

respondent No.2 decided to part ways. It is informed that petition under Section 13B of the Hindu Marriage Act, 1955 filed by them has since been allowed on 02.08.2017.

This Court on 20.07.2017 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 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, Ludhiana and their statements were recorded on 02.08.2017. Respondent No.2 stated that the compromise has been arrived out of her own free will, without any kind of pressure or coercion. She stated that all her claims – past, present and future qua the petitioner stood settled and she has no objection in case the abovesaid FIR is quashed against the petitioner. Statement of the petitioner in respect to the settlement was recorded as well.

As per report dated 11.08.2017 received from the learned Judicial Magistrate First Class, Ludhiana, compromise arrived between the parties is mentioned to be genuine, arrived at without any pressure or coercion from any quarter. The petitioner, who is stated to be the sole accused, 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 has no objection to the quashing of the abovementioned FIR against all the petitioners.

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. 47 dated 13.05.2015

under Sections 406/498A IPC registered at Police Station Women, District Ludhiana alongwith all consequential proceedings are, hereby, quashed.

September 22 , 2017.
'om'

(LISA GILL)
JUDGE

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