

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

**Crl. Misc. No. M-16591 of 2016
Date of Decision : March 23, 2017**

Gourav Rai Aggarji Petitioner

VERSUS

State of Punjab and Another..... Respondents

CORAM : HON'BLE MRS. JUSTICE LISA GILL

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

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Present: Mr. Parvez Akhtar, Advocate for
Mr. Mohd. Yousaf, Advocate
for the petitioner.

Mr. K.D.Sachdeva, AAG, Punjab,
for the State/respondent No.1.

Mr. Harsh Manocha, Advocate for
Mr. Rajesh K. Dadwal, Advocate
for respondent No.2.

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LISA GILL, J. (Oral)

1. Prayer in this petition is for quashing of FIR No.0012 dated 13.2.2016 under Sections 498A, 406 IPC registered at Police Station Women Cell Jalandhar as well as consequential proceedings on account of a settlement dated 11.3.2016 (Annexure P-2) between the parties.

the behest of respondent No.2. The said FIR is a fall out of a matrimonial discord between the petitioner and respondent No.2. With the intervention of respectables the dispute between the petitioner and respondent No.2 has been resolved amicably and respondent No.2 has no objection to the quashing of this FIR.

3. Pursuant to order dated 8.2.2017 passed by this Court the parties appeared before the learned Judicial Magistrate 1st Class, Jalandhar, on 20.2.2017. Respondent No.2-Raj has stated before the Judicial Magistrate 1st Class, Jalandhar, that she has compromised the matter with the petitioner through his attorney Sat Pal Rai who is father of the petitioner. It is stated that the settlement has been arrived at out of her own free will, without any pressure, threat or undue influence. Respondent No.2 has categorically stated that she has no objection in case the said FIR against the petitioner is quashed. The petitioner was permitted to record his statement in this respect through his power of attorney holder Sat Pal Rai. Statement of Sat Pal Rai on behalf of the petitioner was recorded.

4. As per report dated 17.3.2017 submitted by the learned Judicial Magistrate 1st Class, Jalandhar it is opined that the settlement between the parties is voluntary and without any force or pressure. None of the parties are proclaimed offenders neither any such proceedings are pending against them. Photocopies of the statements are attached along with the report.

5. Learned counsel for the petitioner submits that the petitioner shall be bound by all acts and statements made on his behalf by his power of attorney holder Sat Pal Rai. The terms and conditions of the settlement have been and shall be adhered to in letter and spirit.

6. Learned counsel for respondent No.2 affirms and verifies the factum of settlement arrived at between the parties. He states that respondent No.2 has no objection whatsoever to the quashing of this FIR. She does not wish to pursue any proceedings arising from this FIR against the petitioner.

7. Learned counsel for the State submits that present being a matrimonial dispute, the State can possibly have no objection to the quashing of the FIR on the basis of a settlement between the parties.

8. In ***Kulwinder Singh and others v. 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.”

9. 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.

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

11. This petition is, thus, allowed and FIR No.0012 dated 13.2.2016 under Sections 498A, 406 IPC registered at Police Station

Women Cell Jalandhar along with all consequential proceedings are,
hereby, quashed.

23.3.2017
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(LISA GILL)
JUDGE

Note: Whether speaking/reasoned
Whether Reportable:

Yes / No
Yes / No