

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

Criminal Misc. M- No. 15839 of 2017 (O&M)

Date of decision : August 10, 2017

Sahil Singh Chauhan

.....Petitioner

Versus

U.T., Chandigarh and another

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. S.S. Walia, Advocate for the petitioner.

Mr. Y.S. Rathore, Public Prosecutor for UT – respondent No. 1.

Mr. Akshay Rana, Advocate for

Mr. Puran Singh Rana, Advocate for respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No. 78 dated 15.09.2016 under Sections 406, 498A IPC registered at Police Station Women Cell Chandigarh 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. the petitioner. 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 26.04.2017 (Annexure P-2). The parties wish to live in peace and harmony and put an end to the acrimony between them. The present petition has been filed on the basis of this compromise.

This Court on 01.06.2017 directed the parties to appear before

learned trial court/Illaq Magistrate for recording their statements in respect to the above-mentioned compromise. Learned trial court/Illaq 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 trial court/Illaq Magistrate was also directed to intimate whether the petitioner is absconding/proclaimed offender and whether any other case is pending against him. Information was sought as to whether all affected persons are a party to the settlement.

Pursuant to order dated 01.06.2017, the parties appeared before the learned Judicial Magistrate First Class, Chandigarh and their statements were recorded on 14.07.2017. Respondent No.2 stated that the matter has been amicably resolved with the petitioner without any kind of pressure, coercion or threat. It is stated by her that petition under Section 13B of Hindu Marriage Act has been filed and she has received a sum of Rs. 75,000/- at the time of recording of their statements at first motion. The remaining amount of Rs. 75,000/- is to be received by her at the time of recording of the statement of the parties at second motion in the said petition on 03.11.2017. Respondent No.2 stated that in view of the settlement, she has no objection to the quashing of the abovesaid FIR subject to the petitioner abiding all terms and conditions of the settlement. Statements of the petitioner in respect to the compromise was also recorded.

As per report dated 15.07.2017 received from the learned Judicial Magistrate First Class, Chanidgarh, it is opined that the compromise is genuine, without any pressure, coercion or threat though it is mentioned that the balance payment is yet to be made. The petitioner, who

is 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 provided the petitioner abides by the terms and conditions of settlement specifically the handing over of rest of the settled amount on 03.11.2017.

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. 78 dated 15.09.2016 under Sections 406, 498A IPC registered at Police Station Women Cell Chandigarh 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.

August 10, 2017
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No