

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

Criminal Misc. M- No. 16084 of 2017 (O&M)

Date of decision : August 10, 2017

Yashpal Bhatia and others

.....Petitioners

Versus

State of Punjab and another

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Vijay Sharma, Advocate for the petitioners.

Mr. Karanbir Singh, AAG, Punjab.

Mr. Saurav Verma, Advocate for respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No. 86 dated 17.08.2016 under Sections 406, 498A IPC and Section 4 of Dowry Prohibition Act registered at Police Station Women Patiala 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.3. With the intervention of respectables and relatives, a compromise has been arrived at between the parties. 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 08.05.2017 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 validity or otherwise of the compromise after recording the statements of all the concerned parties.

Pursuant to order dated 08.05.2017, the parties appeared before the learned Judicial Magistrate First Class, Patiala and their statements were recorded on 24.05.2017. Statement of petitioner No. 3 was recorded through special power of attorney holder i.e. his father Yashpal Bhatia – petitioner No. 1. Respondent No. 2 stated that the matter has been amicably resolved with all the accused petitioners voluntary, out of her own free will, without any pressure, threat or coercion. Respondent No.2 stated that she has no objection to the quashing of the abovesaid FIR qua the petitioners. Joint statement of the petitioners in respect to the compromise was also recorded.

As per report dated 25.05.2017 received from the learned Judicial Magistrate First Class, Patiala, it is opined that the settlement arrived at between the parties is genuine, arrived at between the parties out of their own free will and consent, without any threat or pressure. None of the petitioners are reported to be the proclaimed offenders. Statements of the parties are appended alongwith the said report.

Learned counsel for the petitioners and respondent No. 2 inform that petition under Sections 13B of Hindu Marriage Act, 1955 filed by the parties has since been allowed on 01.08.2017. The entire settled amount has been received by respondent No. 2.

Learned counsel for respondent No.2 affirms 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 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. 86 dated 17.08.2016 under Sections 406, 498A IPC and Section 4 of Dowry Prohibition Act registered at Police Station Women Patiala alongwith all consequential proceedings are, hereby, quashed.

(Lisa Gill)
Judge

August 10, 2017

rts

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