

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

Criminal Misc. No.M- 16096 of 2017 (O&M)

Date of decision : November 10, 2017

Manik Dhawan and anotherPetitioners

Versus

State of Punjab and anotherRespondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Kewal Singh, Advocate
for the petitioner.

Mr. Karanbir Singh, AAG, Punjab.

Ms. Vandana Rana, Advocate
for respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No. 11 dated 03.02.2016 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., petitioner No.1. 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 10.04.2017 (Annexure P-2). The present petition has been filed on the basis of this compromise.

Learned counsel for the petitioners submits that petition under Section 13B of Hindu Marriage Act, 1955 ('the Act' - for short) has since been allowed and the entire settled amount has been handed over to

respondent No. 2.

This Court on 29.08.2017 directed the parties to appear before learned trial court for recording their statements in respect to the above-mentioned compromise. Learned trial court 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 was also directed to intimate whether any of the petitioners 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 29.08.2017, the parties appeared before the learned Judicial Magistrate First Class, Ludhiana and their statements were recorded on 30.08.2017. Respondent No.2 stated that the matter has been amicably resolved by her with all the accused petitioners with the intervention of respectables. Petition under Section 13B of the Act has been filed by them. All her claims – past, present and future with regard to alimony and dowry have been settled as per compromise Ex. PW1/A. She stated that the settlement has been arrived at out of her own free will, without any pressure or coercion. Respondent No.2 stated that she has no objection to the quashing of the abovesaid FIR qua the petitioners. Statements of the petitioners in respect to the compromise were also recorded.

As per report dated 09.09.2017 received from the learned Judicial Magistrate First Class, Ludhiana it is opined that compromise between the parties is genuine, arrived at out of their own free will, without any pressure from any corner and coercion. None of the petitioners is

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 that the petition under Section 13B of the Act has been allowed and the entire settled amount has been received by respondent No. 2. It is reiterated that respondent No.2 has no objection to the quashing of the abovementioned FIR.

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. 11 dated 03.02.2016 under Sections 406/498A IPC registered at Police Station Women, District Ludhiana alongwith all consequential proceedings are, hereby, quashed.

November 10, 2017
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No