

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

Criminal Misc. No. M- 17042 of 2016(O&M)

Date of Decision: August 18 , 2017.

Sarabjit Kaur and another PETITIONER(s)

Versus

State of Punjab and another RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Bikramjit Singh Bajwa, Advocate
for the petitioners.

Mr. Karanbir Singh, AAG, Punjab.

Mr. R.K.Choudhary, Advocate
for the complainant/respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.325 dated 20.12.2009 under Sections 406/498A IPC registered at Police Station Division 8, Jalandhar 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 Mukhtiar Singh. Mukhtiar Singh is not a party to the present petition, though it is submitted that the compromise has been effected with Mukhtiar Singh as well. The present petitioners are the brother-in-law (Jeth) and sister-in-law (Jethani) of the complainant.

Learned counsel for the petitioners while relying on a judgment of this Court in Paramvir Singh v. Malkiat Kaur, 2010(1) RCR(Criminal) 256, submits that there is no impediment for quashing of an FIR qua some of the accused persons.

With the intervention of respectables and relatives, the matter has been settled between the parties, the terms of which were reduced into writing (Annexure P2). The parties wish to live in peace and harmony and put an end to the acrimony between them.

This Court on 17.04.2017 directed the parties to appear before learned trial court/Illaqa Magistrate for recording their statements in respect to the above-mentioned compromise. Learned trial court/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 trial court/Illaqa Magistrate 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 17.04.2017, the parties appeared before the learned Judicial Magistrate First Class, Jalandhar and their statements were recorded on 02.05.2017. Respondent No.2 stated that the matter has been amicably resolved with the accused persons in the abovementioned FIR. The settlement has been arrived at out of her own sweet will, without any threat, pressure or coercion from any quarter. Respondent No.2 further stated that she

has no objection in case the abovesaid FIR is quashed against the accused. Joint statement of the petitioners in respect to the settlement was recorded as well.

As per report dated 14.06.2017 received from the learned Judicial Magistrate First Class, Jalandhar it is mentioned that the settlement between the parties is genuine and voluntary, arrived at with their free consent without any pressure, coercion, undue influence and inducement from any quarter. None of the accused are reported to be proclaimed offenders. 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 accused.

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 qua the petitioners 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.325 dated 20.12.2009 under Sections 406/498A IPC registered at Police Station Division 8, Jalandhar alongwith all consequential proceedings are, hereby, quashed qua both the petitioners.

August 18 , 2017.
'om'

**(LISA GILL)
JUDGE**

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