

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

Criminal Misc. M- No. 16143 of 2017 (O&M)

Date of decision : August 10, 2017

Dr. Narender Singh Malik and others

.....Petitioners

Versus

State of Punjab and another

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Gaurav Tangri, Advocate
for the petitioner.

Mr. Karambir Singh, AAG, Punjab.

None for respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No. 2 dated 10.01.2017 under Sections 498A, 406, 420, 494, 506, 120B IPC registered at Police Station Women, Amritsar city 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.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 16.03.2017 (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 31.05.2017 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 31.05.2017, the parties appeared before the learned Chief Judicial Magistrate, Amritsar and their statements were recorded on 07.07.2017. Respondent No.2 stated that the matter has been compromised with all the accused petitioners out of her own free will, without any pressure, coercion or threat. Respondent No. 2 further 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. Statement of ASI Resham Singh was recorded on 12.07.2017 to the effect that none of the accused are proclaimed offenders in this case and there is no other affected party except respondent No. 2.

As per report dated 17.07.2017 received from the learned Chief Judicial Magistrate, Amritsar, it is opined that compromise between the parties is genuine and bona fide. The same has been arrived at without any pressure. Statements of the parties are appended alongwith the said report.

Mr. Pankaj Bali, Advocate had appeared on behalf of respondent No. 2 on 31.05.2017. He affirmed and verified the factum of settlement between the parties.

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. 2 dated 10.01.2017 under Sections 498A, 406, 420, 494, 506, 120B IPC registered at Police Station Women, Amritsar city 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