

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

CRM No. M-16316 of 2015 (O&M)

Date of decision: 24.04.2017

Akhil Jain

..... Petitioner.

Versus

State of U.T., Chandigarh and another

..... Respondents.

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Petitioner- Akhil Jain in person with
Mr. Raman Walia, Advocate.

Mr. Sukant Gupta, Addl. P.P. U.T., Chandigarh.

Respondent No.2- Pooja Jain, in person with
Mr. Sudhir Sharma, Advocate.

LISA GILL, J.

Petitioner- Akhil Jain and respondent No.2- Pooja Jain, duly
identified by their counsel are present in Court.

The petitioner seeks quashing of FIR No. 182 dated 05.09.2012
(**Annexure P-5**) registered under Sections 323,506 and 498-A of the Indian
Penal Code (for short 'IPC') at Police Station Sector 3, Chandigarh and all
other consequential proceedings arising therefrom.

The above said FIR was registered at the behest of respondent
No. 2-Smt. Pooja Jain. The dispute arose between the parties because of
matrimonial discord between the petitioner and respondent No.2.

During the pendency of this petition, the matter has been
amicably resolved between the parties. Learned counsel submit that the
present petition thus be decided on the basis of the compromise arrived at
between the parties. Affidavit of the petitioner- Akhil Jain dated 07.03.2017
in respect to the settlement arrived at between the parties was filed.

Affidavit dated 16.03.2017 has been filed by respondent No.2- Pooja Jain, affirming the factum of settlement arrived at between the parties.

Consequently, this Court on 23.03.2017 directed the parties to appear before the learned Illaqa Magistrate/trial Court on 30.03.2017 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 threat, coercion or undue pressure. Learned Illaqa Magistrate/trial court was directed to intimate whether the petitioner is a proclaimed offender and whether any other case is pending against him.

Pursuant to order dated 23.03.2017, the parties appeared before the learned Judicial Magistrate 1st Class, Chandigarh and their statements were recorded on 30.03.2017. Respondent No.2-Smt. Pooja Jain has stated that she has amicably resolved the matter with the accused-petitioner. It is further stated by her that she has no objection to the quashing of the aforementioned FIR on the basis of the settlement arrived at between the parties on 31.08.2016. Copy of the compromise deed Ex. C-1 was produced before the learned Judicial Magistrate 1st Class, Chandigarh. Statement of the petitioner in respect to the settlement was recorded.

As per report dated 06.04.2017, submitted by the learned Judicial Magistrate 1st Class, Chandigarh, it is opined that the settlement between the parties is valid and genuine.

Learned counsel for the complainant/respondent No.2 affirms and verifies the factum of settlement between the parties. It is stated that the entire amount due towards respondent No. 2 has been received by her. Petition

under Section 13- B of the Hindu Marriage Act filed by the petitioner and respondent No. 2 has been allowed on 24.04.2017 i.e. today itself. Entire claim of respondent No. 2 stands settled, therefore, she has no objection to the quashing of the aforementioned FIR.

Learned counsel for the State on instructions from SI Sarabjit Kaur, Police Station Sector 3, Chandigarh submits that the controversy arises out of matrimonial discord between the parties. The State does not have no objection to the quashing of this FIR on the basis of a settlement 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.

In view of the above, 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 only lead to wastage of precious time of the court and would be an exercise in futility.

This petition is, thus, allowed and FIR No. 182 dated 05.09.2012 registered under Sections 323, 506 and 498-A of the IPC at Police Station

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Sector 3, Chandigarh alongwith all consequential proceedings arising therefrom are hereby quashed.

(LISA GILL)
JUDGE

24.04.2017
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Whether speaking/reasoned : *Yes/No.*

Whether reportable : *Yes/No.*