

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

Criminal Misc. No. M- 16420 of 2017(O&M)

Date of Decision: July 24 , 2017.

Gurpreet Singh and another PETITIONER(s)

Versus

State of Punjab and another RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Mandeep Kumar Dhot, Advocate
for the petitioners.

Mr. Karambir Singh, AAG, Punjab.

Mr. Inder Pal Singh, Advocate
for the complainant/respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.117 dated 05.11.2016 under Sections 498A/406/323 IPC registered at Police Station Longowal, District Sangrur and all other consequential proceedings arising therefrom on the basis of compromise dated 15.03.2017 (Annexure P2) 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 15.03.2017.

The parties wish to live in peace and harmony and put an end to the acrimony between them. Respondent No.2 and her husband i.e., petitioner No.1 have decided to part ways.

It is submitted that petition under Section 13B of the Hindu Marriage Act, 1955 has been filed by petitioner No.1 and respondent No.2, statements of the parties at first motion have been recorded and the matter is pending for 18.09.2017 for recording of their statements at second motion.

This Court on 10.05.2017 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 10.05.2017, the parties appeared before the learned Judicial Magistrate First Class, Sangrur and their statements were recorded on 20.05.2017. Respondent No.2 stated that the matter has been amicably resolved with the accused persons. The settlement has been arrived at out of her own free will, without any pressure, coercion, fraud or undue influence. It is further stated she has no objection to the quashing of the abovesaid FIR qua the petitioners provided the terms and conditions of the settlement are complied with by them. Statements of the petitioners in respect to the settlement was recorded. Statement of the injured Rupinder Kaur as well as

statement of Baldev Kaur, one of the accused though not challaned, were also recorded as well.

As per report dated 23.05.2017 received from the learned Judicial Magistrate First Class, Sangrur it is opined that the settlement between the parties is genuine, arrived at out of their own free will without any pressure, coercion or undue influence. It is mentioned that out of the five persons named in the FIR, it is only the present petitioners and one Baldev Kaur who were proceeded against however, challan was presented only against the present petitioners. The said Baldev Kaur was found innocent during investigation and placed in column No.2 of the report under Section 173 Cr.P.C. None of the petitioners are noted 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 both the petitioners subject to strict adherence to the terms and conditions of the settlement by them, specifically payment of the rest of the settled amount.

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.117 dated 05.11.2016 under Sections 498A/406/323 IPC registered at Police Station Longowal, District Sangrur 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.

July 24 , 2017.
'om'

(**LISA GILL**)
JUDGE

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