

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

Crl. Misc. No. M-16880 of 2017

Date of Decision : November 13, 2017

Sandeep KumarPetitioner

Versus

State of Punjab and another Respondents

CORAM : HON'BLE MRS. JUSTICE LISA GILL

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Present: Mr. S.P.Soi, Advocate
for the petitioner.

Mr. Karanbir Singh, AAG, Punjab.

Mr. A.S.Cheema, Advocate
for respondent No.2.

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LISA GILL, J. (Oral)

Prayer in this petition is for quashing of FIR No.53 dated 19.05.2016 under Sections 406, 498-A IPC registered at Police Station Women Cell, Jalandhar along with all other consequential proceedings arising therefrom on the basis of compromise dated 27.03.2017(Annexure P2) arrived at between the parties.

The above-said FIR was registered at the instance of respondent No.2 due to matrimonial discord with her husband i.e. the petitioner. The matter was amicably resolved. The terms and conditions of settlement were reduced into writing on 27.03.2017 (Annexure P-2).

Learned counsel for the petitioner and respondent No.2 inform that petition filed by them under Section 13-B of the Hindu Marriage Act,

been received by respondent No.2 who does not have any objection to the quashing of the above-mentioned FIR against the petitioner.

Pursuant to order dated 12.05.2017 passed by this Court, parties appeared before the learned Judicial Magistrate 1st Class, Jalandhar and their statements in respect to the settlement were recorded on 26.05.2017. Respondent No.2 stated that she has compromised the matter with the petitioner who is the sole accused in this case with the intervention of respectables. The compromise it is stated is genuine, arrived at voluntarily out of her own free will, without any kind of pressure, force, threat, coercion or undue influence from any quarter. Respondent No.2 stated that she did not wish to proceed with the matter any longer and has no objection in case the above said FIR against the petitioner is quashed. Pendency of the petition under Section 13-B of the Hindu Marriage Act, 1955 is mentioned by respondent No.2. Statement of the petitioner in respect to the compromise was also recorded.

As per report dated 31.05.2017 received from the learned Judicial Magistrate First Class, Jalandhar, it is opined that the settlement between the parties is genuine and not the result of any pressure or coercion. Petitioner is not reported to be a proclaimed offender. Statements of the parties are appended along with the said report.

Learned counsel for respondent No.2 reiterates that respondent No.2 has no objection to the quashing of the above-said FIR against the petitioner in view of the settlement between the parties.

Learned counsel for the State submits that as the above-said 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 above-said 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. 53 dated 19.05.2016 under Sections 406, 498-A IPC registered at Police Station Women Cell, Jalandhar along with all consequential proceedings are, hereby, quashed.

13.11.2017
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(LISA GILL)
JUDGE

Note: Whether speaking/reasoned
Whether Reportable:

Yes / No
Yes / No