

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

Criminal Misc. No. M- 17159 of 2017(O&M)

Date of Decision: November 9 , 2017.

Vikas Verma

..... PETITIONER(s)

Versus

State of Punjab and another

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Bhanu Pratap Singh, Advocate
for the petitioners.

Mr. Karanbir Singh, AAG, Punjab.

Mr. Amardeep Singh Gill, Advocate
for respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.104 dated 13.08.2016 under Sections 406/498A/420/493 IPC registered at Police Station Women Cell, Jalandhar, District 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 instance of respondent No.2 due to matrimonial discord with her husband i.e., the petitioner. With the intervention of respectables and relatives, a compromise was arrived at between the parties, the terms of which were reduced into writing on 24.03.2017

(Annexure P2). It is informed that ex parte divorce was granted in favour of the petitioner on 15.12.2014. Respondent No.2 has agreed not to challenge the said decree. Demand draft bearing No.344218 dated 07.11.2017, for a sum of ₹2,00,000/- has been handed over to respondent No.2, who is present in Court. She is duly identified her counsel. It is therefore submitted that the entire amount due towards respondent No.2 and the minor child has now been handed over. Nothing remains due towards any claims – past, present and future which respondent No.2 may have against the petitioner.

Respondent No.2 has furnished a photocopy of an FDR to the tune of ₹2,00,000/- in favour of the minor son Master Siddharth Verma prepared in terms of the settlement between the parties. Photocopies of the said FDR and demand draft dated 07.11.2017 are taken on record subject to just exceptions.

This Court on 05.09.2017 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 accused 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 05.09.2017, the parties appeared before the learned Judicial Magistrate First Class, Jalandhar and their statements were recorded on 12.09.2017. Respondent No.2 stated that the matter has been

compromised by her with the accused petitioner out of her own free will and consent without any kind of pressure, force, threat, coercion or undue influence from any quarter. Respondent No.2 further stated that she does not wish to carry on with the proceedings in the abovesaid FIR and she has no objection in case the abovesaid FIR against the accused petitioner is quashed. Statement of the petitioner in respect to the settlement was recorded as well.

As per report dated 20.09.2017 received from the learned Judicial Magistrate First Class, Jalandhar, it is opined that the compromise between the parties is genuine and not the result of any kind of pressure or coercion upon any of the parties. The petitioner is not reported to be a proclaimed offender. 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 the petitioner.

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 the FIR in question as well as all consequential proceedings 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. 104 dated 13.08.2016 under Sections 406/498A/420/493 IPC registered at Police Station Women Cell, Jalandhar, District Jalandhar alongwith all consequential proceedings are, hereby, quashed.

(LISA GILL)
JUDGE

November 9 , 2017.
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No