

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

Criminal Misc. No. M- 17219 of 2017(O&M)

Date of Decision: August 18 , 2017.

Harpreet Singh

..... PETITIONER(s)

Versus

State of Punjab and another

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Veneet Sharma, Advocate
for the applicant/petitioner.

Mr. Karanbir Singh, AAG, Punjab.

Mr. Vivek Salathia, Advocate
for the complainant/respondent No.2.

LISA GILL, J.

CRM No.25228 of 2017

Prayer in this application is for preponement of the date of hearing
in the main case fixed for 08.12.2017.

Learned counsel for the non-applicant/respondents have no
objection to the preponement of the hearing of the case from 08.12.2017 to today
itself.

Accordingly this application is allowed. With the consent of the
parties, hearing of the main case is preponed from 08.12.2017 for today.

CRM No.M-17219 of 2017

Prayer in this petition is for quashing of FIR No.46 dated

26.05.2016 under Sections 498A/406 IPC registered at Police Station Chatiwind, Amritsar Rural, District Amritsar 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., the petitioner. The matter has been resolved between the parties before the Mediation and Conciliation Centre, Amritsar, the terms of which were reduced into writing on 03.03.2017 (Annexure P2). The parties wish to live in peace and harmony and put an end to the acrimony between them. They have decided to part ways.

This Court on 16.05.2017 directed the parties to appear before learned Illaqa Magistrate for recording their statements in respect to the above-mentioned compromise. Liberty was afforded to the petitioner to record his statement through his father and general power of attorney, Dalbir Singh Gill. Learned 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 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 16.05.2017, the parties appeared before the learned Judicial Magistrate First Class, Amritsar and their statements were recorded on 17.05.2017 and 18.05.2017. Respondent No.2 stated that the matter has been amicably resolved with the petitioner, who is the sole accused. It is further stated that petition under Section 13B of the Hindu Marriage Act, 1955

has been filed before the District Judge, Amritsar. Respondent No.2 has given the details of various amounts received by her out of the total settled amount of ₹18,00,000/- . A sum of ₹10,00,000/- was informed to have been received by her till that date. She has affirmed that the settlement has been arrived at out of her own free will, without any threat, coercion or undue pressure. It is categorically stated that she has no objection to the quashing of the abovesaid FIR and subsequent proceedings arising therefrom in view of the settlement arrived at between the parties. Statement of the petitioner through his father and power of attorney holder, Dalbir Singh Gill in respect to the settlement was recorded as well.

As per report dated 12.06.2017 received from the learned Judicial Magistrate First Class, Amritsar it is opined that the compromise between the parties is genuine, arrived at without any pressure or coercion. Statements of the parties are appended alongwith the said report.

Learned counsel for the petitioner submits that a total sum of ₹13,00,000/- has already been handed over to respondent No.2 till date. A sum of ₹3,00,000/- has been handed over to her after 17.05.2017. The remaining sum of ₹5,00,000/-, it is submitted, shall be deposited before the learned District Judge, Amritsar within the next one month. The said amount be released to respondent No.2 on recording of statements of the parties at second motion in the petition under Section 13B of the Hindu Marriage Act, 1955.

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 all the

petitioners provided that there is strict adherence to the terms and conditions of the settlement by the petitioner, specifically the handing over of ₹5,00,000/- of the remaining 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.46 dated 26.05.2016 under Sections 498A/406 IPC registered at Police Station Chatiwind, Amritsar Rural, District Amritsar 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) and the sum of ₹5,00,000/- as undertaken by the petitioner is not deposited or it is found that the settlement was a mere ruse to have the aforesaid FIR quashed.

August 18 , 2017.
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(LISA GILL)
JUDGE

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