

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

Criminal Misc. No. M- 1722 of 2017(O&M)

Date of Decision: May 22 , 2017.

Sukhchain Singh and another PETITIONER(s)

Versus

State of Punjab and another RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Gurbir Singh, Advocate
for the petitioners.

Mr. K.D.Sachdeva, Addl.AG, Punjab.

Mr. R.S.Chahal, Advocate
for respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.171 dated 10.12.2014 under Sections 498A/406 IPC registered at Police Station Women, District Patiala 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., petitioner No.1. The matter has been amicably resolved between the parties before the Mediation and Conciliation Centre of this Court on 18.12.2015. The parties wish to live in peace and harmony and put an end to the acrimony between them. Petitioner

No.1 and respondent No.2 have decided to part ways. Petition under Section 13B of the Hindu Marriage Act has been filed.

This Court on 14.03.2017 directed the parties to appear before learned trial court/Illaq Magistrate for recording of their statements in respect to the above-mentioned compromise. Learned trial court/Illaq 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 trial court/Illaq 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 14.03.2017, the parties appeared before the learned Judicial Magistrate First Class, Patiala and their statements were recorded on 05.04.2017. Respondent No.2 stated that the matter has been amicably resolved by her with the accused petitioners. A sum of ₹6,00,000/- as full and final settlement of all her claims – past, present and future towards the petitioners has since been received by her. It is stated that the petition under Section 125 Cr.P.C. filed by her shall be withdrawn (it is informed that the said petition has since been withdrawn). Respondent No.2 further stated that the settlement is voluntary arrived at without any pressure, threat or coercion. She has no objection to the quashing of the abovesaid FIR qua both the petitioners. Joint statement of the petitioners has been recorded in respect to the settlement.

As per report dated 15.05.2017 received from the learned Judicial

Magistrate First Class, Patiala the terms and conditions of the settlement are duly mentioned. It is opined that the settlement between the parties is genuine arrived at out of their free will and consent without any threat or pressure. None of the petitioners are proclaimed offenders neither are any proceedings pending against them. Photocopies of the 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.

Learned counsel for the State, on instructions from ASI Gurnam Singh, 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 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.171 dated 10.12.2014 under Sections 498A/406 IPC registered at Police Station Women, District Patiala alongwith all consequential proceedings are, hereby, quashed.

May 22 , 2017.
'om'

(LISA GILL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No