

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

Criminal Misc. No. M- 17657 of 2017(O&M)

Date of Decision: November 30 , 2017.

Manjinder Singh

..... PETITIONER(s)

Versus

State of Punjab and another

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Jasraj Singh, Advocate
for the petitioner.

Mr. Rahul Rathore, DAG, Punjab.

None for respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.190 dated 26.09.2016 under Sections 498A/406 IPC registered at Police Station Tanda, District Hoshiarpur 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. The matter has been settled between the parties before the Mediation and Conciliation Centre, Hoshiarpur, the terms of which were reduced into writing on 27.02.2017 (Annexure P2). The parties decided to part ways.

This Court on 26.07.2017 directed the parties to appear before

learned Illaqa Magistrate for recording their statements in respect to the above-mentioned compromise. 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 the accused is absconding/proclaimed offender and whether any other case is pending against him. Information was sought as to whether all affected persons are a party to the settlement.

Pursuant to order dated 26.07.2017, the parties appeared before the learned Judicial Magistrate First Class, Dasuya and their statements were recorded on 10.08.2017. Respondent No.2 stated that the matter has been amicably resolved with the accused petitioner without any coercion or undue influence. Settlement/agreement dated 27.02.2017 was produced as Mark 'A'. Respondent No.2 stated that 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 21.09.2017 received from the learned Judicial Magistrate First Class, Dasuya, it is opined that the settlement between the parties is genuine, arrived at out of their free will without any pressure or coercion. The petitioner, who is the sole accused in this case, is not reported to be a proclaimed offender. Statements of the parties are appended alongwith the said report.

It is noticed that respondent No.2 – Ms. Jaspinder Kaur, duly identified by ASI Surinder Singh, Police Station Tanda, had appeared in-person

before this Court on 26.07.2017. She had affirmed the factum of settlement, pursuant to which the parties were directed to appear before the learned Area Magistrate for recording of their statements in respect to the compromise.

It is informed by learned counsel for the petitioner that petition under Section 13B of the Hindu Marriage Act, 1955 filed by the petitioner and respondent No.2 has since been allowed on 28.11.2017. The entire settled amount has been handed over to respondent No.2.

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.190 dated 26.09.2016 under Sections 498A/406 IPC registered at Police Station Tanda, District Hoshiarpur alongwith all consequential proceedings are, hereby, quashed.

November 30 , 2017.
'om'

(LISA GILL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No