

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

Criminal Misc. No. M- 18679 of 2016(O&M)

Date of Decision: August 30 , 2017.

Vikram Kumar @ Ahsu and others PETITIONER(s)

Versus

State of Punjab and another RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

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

Mr. Karanbir Singh, AAG, Punjab.

Mr. Manpreet Singh Longia, Advocate
for the complainant/respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.202 dated 11.10.2015 under Sections 323/452/427/34 IPC registered at Police Station City Rupnagar, District Rupnagar and all other consequential proceedings arising therefrom on the basis of a compromise arrived at between the parties.

It is submitted that the abovesaid FIR primarily arises from a matrimonial dispute between petitioner No.3 and her husband i.e., son of respondent No.2 (father-in-law of petitioner No.3). With the intervention of respectables and relatives, a compromise was arrived at between the parties, the terms of which were reduced into writing on 09.03.2016 (Annexure P2). The

matrimonial dispute between petitioner No.3 and her husband has also been resolved. Their petition under Section 13B of the Hindu Marriage Act, 1955 has since been allowed on 18.08.2017. FIR No.142 dated 02.12.2015 under Sections 406/498A/506/120B IPC, Police Station Amloh lodged at the behest of petitioner No.3 has been quashed by this Court vide order dated 30.08.2017 passed separately in CRM No.M-9381 of 2016 (Dharam Pal and others v. State of Punjab and others) on the basis of compromise between the parties. FIR in the present case was registered at the instance of respondent No.2 i.e., father-in-law of petitioner No.3.

This Court on 23.02.2017 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 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 23.02.2017, the parties appeared before the learned Chief Judicial Magistrate, Rupnagar and their statements were recorded on 03.03.2017. The complainant/respondent No.2 stated that the matter has been amicably resolved between the parties. The compromise has been effected out of his own sweet will without any inducement, threat or coercion. It is further stated by respondent No.2 that he has no objection to the quashing of the aforementioned FIR qua the petitioners. Statements of the petitioners in respect

to the settlement was recorded as well.

As per report dated 15.03.2017 received from the learned Chief Judicial Magistrate, Rupnagar it is opined that the compromise arrived at between the parties is genuine, arrived at out of the sweet will of the parties without any inducement or coercion. None of the petitioners are reported to be proclaimed offenders. Joint statement of the petitioners in respect to the settlement was recorded as well. 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 all the petitioners.

Learned counsel for the State submits that as the abovesaid FIR primarily is the result 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”.

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.202 dated 11.10.2015 under Sections 323/452/427/34 IPC registered at Police Station City Rupnagar, District Rupnagar alongwith all consequential proceedings are, hereby, quashed.

August 30 , 2017.
'om'

(LISA GILL)
JUDGE

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