

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

Criminal Misc. No.M- 17845 of 2017 (O&M)

Date of decision : October 03, 2017

Davinder Singh

.....Petitioner

Versus

State of Punjab and another

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. C.S. Sharma, 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. 228 dated 12.09.2013 under Sections 498A, 323, 324, 120B IPC registered at Police Station Kapurthala City, District Kapurthala 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 – petitioner. With the intervention of respectables and relatives, a compromise has been arrived at between the parties, the terms of which were reduced into writing on 11.02.2017 (Annexure P-2). The present petition has been filed on the basis of this compromise.

The petitioner and respondent No. 2 have decided to part ways. Petition under Section 13B of Hindu Marriage Act, 1955, it is informed, has since been allowed. It is submitted that the entire settled amount has been handed over to respondent No. 2.

This Court on 18.05.2017 directed the parties to appear before

learned Illaqa Magistrate/trial Court for recording their statements in respect to the above-mentioned compromise. Learned Illaqa Magistrate/trial Court was directed to submit a report regarding the genuineness of the compromise, as to whether it has been arrived at voluntarily, without any coercion or undue influence. Learned Illaqa Magistrate/trial Court was also directed to intimate whether any of the accused are proclaimed offenders. Information was sought regarding number of persons arrayed as accused.

Pursuant to order dated 18.05.2017, the parties appeared before the learned Chief Judicial Magistrate, Kapurthala and their statements were recorded on 04.07.2017. Respondent No.2 stated that the matter has been amicably resolved by her with the petitioner out of her own free will, without any pressure, coercion or undue influence. Respondent No.2 further stated that she has no objection to the quashing of the abovesaid FIR qua the petitioner. Statement of the petitioner in respect to the compromise was also recorded.

As per report dated 10.07.2017 received from the learned Chief Judicial Magistrate, Kapurthala, it is opined that the compromise between the parties is genuine, arrived at out of their own free will, without any threat, coercion or pressure. The petitioner is not reported to be a proclaimed offender. Statements of the parties are appended alongwith the said report.

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. 228 dated 12.09.2013 under Sections 498A, 323, 324, 120B IPC registered at Police Station Kapurthala City, District Kapurthala 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) or it is found that the settlement was a mere ruse to have the aforesaid FIR quashed.

(Lisa Gill)
Judge

October 03, 2017
rts

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