

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

Criminal Misc. No. M- 1796 of 2017(O&M)

Date of Decision: August 3 , 2017.

Gurdev Singh and another PETITIONER(s)

Versus

State of Punjab and another RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Naveen Batra, Advocate
for the petitioners.

Mr. Karambir Singh, AAG, Punjab.

None for respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.0067 dated 21.12.2016 under Sections 406/498A IPC registered at Police Station Gardhiwala, District Hoshiarpur and all other consequential proceedings arising therefrom on the basis of compromise dated 07.01.2017 (Annexure P2) 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.2. 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 07.01.2017.

The parties wish to live in peace and harmony and put an end to the acrimony

between them.

This Court on 19.04.2017 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 19.04.2017, the parties appeared before the learned Judicial Magistrate First Class, Dasuya and their statements were recorded on 08.05.2017. Respondent No.2 stated that the matter has been amicably resolved with both the petitioners. The settlement has been arrived at out of her own free will without any pressure or force. It is stated by respondent No.2 that she has received a sum of ₹5,50,000/- i.e. the total amount settled, in two installments i.e., ₹2.75 lakhs on 18.03.2017 before the learned Additional District Judge, Hoshiapur at the time of recording of the statements of the parties at second motion in a petition under Section 13B of the Hindu Marriage Act, 1955 and balance amount of ₹2.75 lakhs on 19.04.2017 before this Court by way of a demand draft dated 12.04.2017. Respondent No.2 further stated that she has received all her dowry articles and Istridhan and she has no further claims against her husband and his family members. It is stated that she has no objection to the quashing of the abovesaid FIR qua the petitioners. Statements of

petitioner No.1 and petitioner No.2 through his General Power of Attorney holder, Satwinder Singh son of Darshan Singh were recorded as well.

As per report dated 15.06.2017 received from the learned Judicial Magistrate First Class, Dasuya it is opined that the compromise between the parties is genuine, arrived at out of their free will and consent without any pressure or coercion. None of the petitioners are stated to be proclaimed offenders. Statements of the parties are appended alongwith the said report.

Mr. Harjeet Savra, Advocate had appeared on behalf of respondent No.2 on 19.04.2017 before this Court. He had affirmed and verified the factum of settlement between the parties.

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.0067 dated 21.12.2016 under Sections 406/498A IPC registered at Police Station Gardhiwala, District Hoshiarpur 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.

August 3 , 2017.
'om'

(LISA GILL)
JUDGE

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