

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

Criminal Misc. No. M- 18282 of 2017(O&M)

Date of Decision: September 14 , 2017.

Parminder Singh and another PETITIONER(s)

Versus

State of Punjab and another RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Prashant Bansal, Advocate
for the petitioners.

Mr. Karanbir Singh, AAG, Punjab.

Mr. Sumit Dua, Advocate
for the complainant/respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.241 dated 24.07.2014 under Sections 406/498A IPC, registered at Police Station Zirakpur, District SAS Nagar 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. With the intervention of respectables and relatives, a compromise was arrived at between the parties, the terms of which were reduced into writing on 06.05.2017. It is informed that petition under Section 13B of the Hindu Marriage Act, 1955 has been filed by petitioner No.1 and respondent No.2. Their statements at first

motion have been recorded and the said petition, it is submitted, is now listed in the month of December 2017 for recording statements of the parties at second motion. It is further submitted that part of the settled amount was handed over to respondent No.2 at the time of recording the statements of the parties at first motion. Balance of the settled amount was remitted at the time of recording of the statements of the parties in the present case. Thus the entire settled amount has been handed over to respondent No.2 and nothing remains due.

This Court on 18.07.2017 directed the parties to appear before learned trial court for recording their statements in respect to the above-mentioned compromise. Learned trial court 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 kind of coercion, fear or undue influence. Learned trial 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 18.07.2017, the parties appeared before the learned Judicial Magistrate First Class, Dera Bassi and their statements were recorded on 29.07.2017. Respondent No.2 stated that she has amicably settled the dispute with the petitioners out of her own free will, without any pressure, undue influence, coercion, inducement, threat or promise from any quarter. It is stated that the balance amount of ₹85,000/- was received by her on 29.07.2017 and nothing was due towards her. It is further stated that she has no objection in case the abovesaid FIR is quashed against both the accused petitioners. Joint statement of the petitioners in respect to the settlement was recorded as well.

As per report dated 29.07.2017 received from the learned Judicial Magistrate First Class, Dera Bassi, the settlement between the parties is opined to be valid and genuine, arrived at between them voluntarily without any kind of coercion, undue influence or pressure. None of the petitioners are reported to be proclaimed offenders. 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 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.241 dated 24.07.2014 under Sections 406/498A IPC, registered at Police Station Zirakpur, District SAS Nagar 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 petitioners or it is found that the settlement was a mere ruse to have the aforesaid FIR quashed.

September 14 , 2017.
'om'

(LISA GILL)
JUDGE

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