

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

Criminal Misc. No. M- 18342 of 2017(O&M)

Date of Decision: August 3 , 2017.

Jai Kumar and others PETITIONER(s)

Versus

State of Punjab and another RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Sanjiv Ghai, Advocate
for the petitioners.

Mr. Karambir Singh, AAG, Punjab.

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

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.52 dated 11.05.2013 under Sections 406/498A IPC registered at Police Station Women Cell, Ludhiana 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 22.03.2017. The parties wish to live in peace and harmony and put an end to the acrimony

between them.

Respondent No.2 and petitioner No.1 have decided to part ways. It is submitted that a petition under Section 13B of the Hindu Marriage Act, 1955 has been filed by respondent No.2 and her husband, petitioner No.1. Statements of the parties at first motion, it is submitted, have already been recorded.

This Court on 22.05.2017 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 coercion or undue influence. Learned trial court was also directed to intimate the number of persons arrayed as accused and whether any of the accused are proclaimed offenders.

Pursuant to order dated 22.05.2017, the parties appeared before the learned Judicial Magistrate First Class, Ludhiana and their statements were recorded on 30.05.2017. Respondent No.2 stated that with the intervention of respectables, the matter has been amicably resolved. Petition under Section 13B of the Hindu Marriage Act, 1955 has been filed. Statements of the parties at first motion have been recorded and the matter is now fixed for 23.10.2017. Respondent No.2 stated that the settlement has been arrived at out of her own sweet will and voluntarily without any threat, coercion or undue influence. It is further stated that she has no objection to the quashing of the abovesaid FIR qua all the petitioners. Joint statement of the petitioners in respect to the settlement was recorded as well.

As per report dated 01.06.2017 received from the learned Judicial

Magistrate First Class, Ludhiana it is opined that the compromise arrived at between the parties is genuine and valid. All the accused are petitioners before this Court and none of the accused are proclaimed offenders. Copies of the 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 submitted that respondent No.2 has no objection to the quashing of the abovementioned FIR against all the petitioners provided the petitioners strictly adhere to the terms and conditions of the settlement arrived at 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.52 dated 11.05.2013 under Sections 406/498A IPC registered at Police Station Women Cell, Ludhiana 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