

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

Criminal Misc. M- 1835 No. of 2017 (O&M)

Date of decision : March 21, 2017

Sukhraj Singh

.....Petitioner

Versus

State of Punjab and another

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Kirpal Singh Thakur, Advocate for
Mr. Durga Dutt Sharma, Advocate
for the petitioner.

Mr. K.D. Sachdeva, Additional AG, Punjab.

Mr. Gursimran Singh, Advocate
for respondent No. 2.

LISA GILL, J.

This petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of FIR No. 246 dated 19.09.2013 (**Annexure P-1**) registered under Sections 498-A of the Indian Penal Code (for short 'IPC') at Police Station Chherretta, District Amritsar and all other consequential proceedings arising therefrom on the basis of compromise dated 06.10.2016 (**Annexure P-2**).

The above said FIR was registered at the behest of respondent No. 2. The dispute arose between the parties because of matrimonial discord between the petitioner and respondent No. 2. The matter was amicably

resolved before the Mediation and Conciliation Centre of this Court. The terms and conditions of the settlement were reduced into writing on 06.10.2016. The compromise is on record of this petition as Annexure P-2.

Learned counsel for the petitioner has tendered demand draft dated 15.02.2017 for a sum of Rs. 2,50,000/- drawn on State Bank of India, Amritsar in favour of respondent No. 2 in terms of the settlement dated 06.10.2016. A photocopy of the demand draft is taken on record, subject to just exceptions. The said demand draft dated 15.02.2017 is handed over to learned counsel for respondent No. 2 for onward transmission to respondent No. 2. It is submitted that the full and final amount due towards respondent No. 2 in terms of above said settlement, thus, stands received by her.

This Court on 23.01.2017 directed the parties to appear before the learned Illaqa Magistrate/trial Court on 30.01.2017 for recording their statements in respect to the above-mentioned compromise. Learned trial court/Illaqa Magistrate was directed to submit a report regarding the genuineness of the compromise and number of accused persons involved in this case. Learned Illaqa Magistrate/trial court was directed to intimate whether any of the accused are declared to be proclaimed offenders.

Pursuant to order dated 23.01.2017, the parties appeared before the learned Judicial Magistrate 1st Class, Amritsar and their statements were recorded on 30.01.2017. Respondent No.2 has stated that the matter has been amicably resolved by her with her husband i.e. the petitioner with the intervention of the Mediator appointed by the Mediation and Conciliation Centre of this Court. Settlement has been arrived at out of her own free will and consent. Respondent No. 2 has further stated that she has no objection if the above said FIR and all subsequent proceedings against the petitioner are

quashed. The statement of the petitioner in respect to the settlement was recorded.

As per report dated 03.03.2017, submitted by the learned Judicial Magistrate 1st Class, Amritsar, it is opined that the compromise arrived at between the parties is valid and genuine. It is an outcome of the free consent of the parties, without any coercion from any quarter. It is further mentioned that the petitioner has not been declared a proclaimed offender and neither any such proceedings are pending against him.

Learned counsel for respondent No.2 affirms and verifies the factum of settlement between the parties. It is stated that there is no impediment to the quashing of the above mentioned FIR and respondent No. 2 has no objection, whatsoever, to the quashing of the above mentioned FIR qua all the three petitioners.

Learned counsel for the State on instructions from Head Constable Jaswant Singh submits that the present being a matrimonial dispute, the State has no objection to the quashing of this FIR on the basis of a settlement 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.

In view of the above, 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 only lead to wastage of precious time of the court and would be an exercise in futility.

This petition is, thus, allowed and FIR No. 246 dated 19.09.2013 (**Annexure P-1**) registered under Sections 498-A IPC at Police Station Chherretta, District Amritsar alongwith all consequential proceedings arising therefrom are hereby quashed.

March 21, 2017
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes

Whether reportable : Yes/No