

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

Criminal Misc. M- No. 18368 of 2017 (O&M)

Date of decision : August 25, 2017

Shehbaz @ Sehbaz

.....Petitioner

Versus

State of Punjab and another

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Sunny K. Singla, Advocate
for the petitioner.

Mr. Karanbir Singh, AAG, Punjab.

None for respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No. 54 dated 23.04.2016 under Sections 406, 498A IPC registered at Police Station Women, Ludhiana City 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. the 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 21.02.2017 (Annexure P-2). The present petition has been filed on the basis of this compromise.

It is informed that petitioner and respondent No. 2 have decided

to part ways. The entire settled amount has since been handed over to respondent No. 2.

This Court on 22.05.2017 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 voluntarily, without any coercion or undue influence. Learned Illaqa Magistrate 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 22.05.2017, the parties appeared before the learned Judicial Magistrate First Class, Ludhiana and their statements were recorded on 03.07.2017. Respondent No.2 stated that she has amicably resolved the matter with the accused petitioner. It is stated that divorce has been obtained by the parties. She has received a sum of ₹1,50,000/- as full and final settlement of all her claims qua the petitioner. Respondent No.2 stated that she has no objection to the quashing of the abovesaid FIR qua the petitioner. Statements of the petitioner in respect to the compromise were also recorded.

As per report dated 11.08.2017 received from the learned Judicial Magistrate First Class, Ludhiana, it is opined that the compromise between the parties is genuine, arrived at without any pressure or coercion from any corner. The petitioner, who is the sole accused, 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. 54 dated 23.04.2016 under Sections 406, 498A IPC registered at Police Station Women, Ludhiana City alongwith all consequential proceedings are, hereby, quashed.

August 25, 2017

rts

(Lisa Gill)
Judge

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