

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

CRM No. M-19313 of 2016

Date of decision: 13.01.2017

Munish Kumar

..... Petitioner.

Versus

State of Punjab and another

..... Respondents.

CORAM: HON'BLE MS. JUSTICE LISA GILL

Present: Mr. Rishabh Gupta, Advocate for the petitioner.

Mr. Jasdev Singh Brar, Assistant Advocate General, Punjab.

Mr. Sudhir Aggarwal 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. 21 dated 14.03.2016 (Annexure P-1) registered under Sections 498-A/406 of the Indian Penal Code (for short 'IPC') at Police Station Chabbewal, Hoshiarpur on the basis of an amicable settlement (Annexure P-2) arrived at between the parties.

The above said FIR has been registered on the basis of statement of Smt. Gurminder Kaur - respondent No. 2.

This FIR arises out of a matrimonial dispute between the petitioner and respondent No.2, which has since been amicably resolved. The terms of settlement were reduced into writing on 09.05.2016 (Annexure P-2). The parties wish to live in peace and harmony and put an end to the acrimony between them. Present petition has been filed on the basis of this compromise.

This Court on 10.11.2016 had directed the parties to appear before learned Illaqa Magistrate/trial court on 13.12.2016 for getting their

statements recorded in respect to the above-mentioned compromise. Learned Illaqa Magistrate/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, fear or undue influence. Learned trial court was also directed to intimate whether the petitioner is a proclaimed offender and whether any other case is pending against him. Information was also sought as to whether all affected persons are party to the settlement.

Pursuant to order dated 10.11.2016, the parties appeared before the learned Chief Judicial Magistrate Hoshiarpur and their statements were recorded on 13.12.2016. Respondent No. 2- Smt.Gurminder Kaur has stated that a compromise has been effected between her and the accused-petitioner. The said compromise has been arrived at out of her own free will and volition without any kind of pressure or coercion. She has no grudge against the accused-petitioner and has no objection to the quashing of the above said FIR. Statement of the petitioner was also recorded.

As per report dated 16.12.2016 of the learned Chief Judicial Magistrate, Hoshiarpur it is noted that the settlement arrived at between the parties is voluntarily without any pressure, coercion or undue influence from any corner. It seems to be genuine and arrived at out of free will of the parties. It is further noted that as per report of the Ahlmad, the FIR was initially registered against two persons, however, accused Bimla was declared innocent. The petitioner is not a proclaimed offender and neither are any such proceedings pending against him.

Learned counsel for respondent No.2. affirms and verifies the factum of settlement between the parties. It is stated that respondent No. 2 has no objection to the quashing of above mentioned FIR.

Learned counsel for the State, on instructions from ASI Bhupinder Singh submits that the present being a matrimonial dispute the State has no objection to the quashing of this FIR on the basis of the 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”.

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 continuing the present proceedings. It will only lead to wastage of the precious time of the court and would be an exercise in futility.

This petition is, thus, allowed and FIR No. 21 dated 14.03.2016 (Annexure P-1) registered under Sections 498-A, 406 IPC at Police Station Chabbewal, Hoshiarpur along with all other subsequent proceedings arising therefrom are hereby quashed.

(LISA GILL)
JUDGE

13.01.2017
PA

Whether speaking/reasoned : *Yes/No.*

Whether reportable : *Yes/No.*