

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

Criminal Misc. No. M- 18433 of 2017(O&M)

Date of Decision: September 20 , 2017.

Kanwaljit Singh and others PETITIONER(s)

Versus

State of Punjab and another RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. R.K.Shukla, Advocate
for the petitioners.

Mr. Karanbir Singh, AAG, Punjab.

Mr. G.P.Vashisht, Advocate
for the complainant/respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.23 dated 21.02.2015 under Sections 406/498A IPC registered at Police Station Sirhind 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 instance 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 18.03.2017 (Annexure P2). Petitioner No.1 and respondent No.2 decided to part ways. It is

informed that petitioner No.1 and respondent No.2 filed a petition under Section 13B of the Hindu Marriage Act, 1955. Their statements at first motion have been recorded in the said petition.

This Court on 01.08.2017 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 voluntarily by the parties without any threat or coercion. Learned trial court was also directed to intimate whether any of the parties are proclaimed offenders.

Pursuant to order dated 01.08.2017, the parties appeared before the learned Additional Chief Judicial Magistrate, Fatehgarh Sahib and their statements were recorded on 14.08.2017. Respondent No.2 stated that the matter has been amicably resolved with the accused petitioners with the intervention of respectables. The settlement, it is stated, has been arrived at voluntarily, without any pressure or influence. The compromise was tendered as Ex.CX. Respondent No.2 stated that she has no objection in case the abovesaid FIR is quashed against all the three accused petitioners. Joint statement of the petitioners in respect to the settlement was recorded as well.

As per report dated 17.08.2017 received from the learned Additional Chief Judicial Magistrate, Fatehgarh Sahib, compromise between the parties is stated to be genuine and voluntary without any sort of pressure, threat or coercion from any corner. 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 the FIR in question as well as all consequential proceedings 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.23 dated 21.02.2015 under Sections 406/498A IPC registered at Police Station Sirhind 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 20 , 2017.
'om'

(LISA GILL)
JUDGE

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