

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

Criminal Misc. No. M- 18877 of 2017(O&M)

Date of Decision: December 4 , 2017.

Karamjit Singh @ Rinku and others PETITIONER(s)

Versus

State of Punjab and another RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Sourabh Arora, Advocate
for the petitioners.

Mr. Saurav Khurana, DAG, Punjab.

Ms. Kanchan, Advocate
for respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.116 dated 07.12.2013 under Sections 498A/406 IPC, registered at Police Station Ghuman, District Batala 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 21.04.2017 (Annexure P2).

It is informed that exparte divorce was granted in favour of

petitioner No.1 on 01.08.2015. The complainant/respondent No.2 has agreed not to challenge the same. The application filed by her for setting aside the exparte decree has since been withdrawn by her. The entire settled amount, it is submitted, has been received by respondent No.2. This fact finds mentioned in order dated 13.10.2017 passed by the High Court of Himachal Pradesh in Cr.MMO No.307 and 308 of 2017. It is submitted that two other FIRs i.e., FIR No.128/2014 dated 14.07.2014 under Sections 451/323/504/506 IPC, Police Station Indora, District Kangra and FIR No.313/2015 under Sections 354/506 IPC, Police Station Nurpur, District Kangra as well as consequential proceedings arising therefrom have since been set aside as the entire dispute has been compromised between the parties. The parties have agreed that they shall not proceed against each other in any of the matters.

Photocopy of order dated 13.10.2017 in CrI.MMO No.307 and 308 of 2017 passed by the High Court of Himachal Pradesh, produced in Court today, is taken on record subject to just exceptions.

This Court on 25.05.2017 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 of the parties and to intimate whether any other proceedings are pending against them. Information was also sought whether all the accused/petitioners are appearing before the court or are on bail.

Pursuant to order dated 25.05.2017, the parties appeared before the learned Judicial Magistrate First Class, Batala and their statements were recorded on 11.07.2017. Respondent No.2 stated that the matter has been amicably

resolved by her with all the accused petitioners. It is stated that the compromise between the parties is genuine, effected by respondent No.2 voluntarily out of her own free will without any pressure, force, threat, coercion or undue influence. Mention has been made of the two FIRs pending at Himachal Pradesh. Compromise was produced as Ex.C1 before the learned trial court. Respondent No.2 stated that she has no objection in case the abovesaid FIR against the accused petitioners is quashed. Statements of the petitioners in respect to the settlement were recorded as well.

As per report dated 11.09.2017 received from the learned Judicial Magistrate First Class, Batala, it is opined that the compromise arrived at between the parties is genuine and valid, effected out of their free consent without any pressure, threat, coercion or undue influence from any quarter. 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 factual position as aforementioned. It is submitted that respondent No.2 has withdrawn her application for setting aside the exparte decree for divorce dated 01.08.2015. Moreover, the matters arising out of FIR No.313 of 2015 and FIR No.128 of 2014 pending between the parties in Himachal Pradesh have also been settled. It is further submitted that respondent No.2 has received the entire settled amount and she 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.116 dated 07.12.2013 under Sections 498A/406 IPC, registered at Police Station Ghuman, District Batala alongwith all consequential proceedings are, hereby, quashed.

December 4, 2017.
'om'

(**LISA GILL**)
JUDGE

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