

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

**CRM No. M-19989 of 2016
Date of decision: 23.02.2017**

Amit Trikha

..... Petitioner.

Versus

State of Punjab and another

..... Respondents.

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Bhavesh Aggarwal, Advocate for
Mr. Ashish Aggarwal, Advocate, for the petitioner.

Mr. K.D. Sachdeva, AAG, Punjab.

Mr. Kuldeep Singh, Advocate, for
Mr. Vivek Salathia, 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. 307 dated 03.11.2006 registered under Section 498-A of the Indian Penal Code (for short 'IPC') at Police Station Sadar, District Amritsar and all other consequential proceedings arising therefrom on the basis of an amicable settlement arrived at between the parties.

The above said FIR was registered on an application submitted by respondent No.2-Smt. Girija against the petitioner and his mother Smt. Mamta. Respondent No. 2 was married to petitioner- Amit Trikha. It is submitted that the co-accused Mamta Trikha was acquitted by the learned trial Court on 03.09.2013.

The dispute arises out of matrimonial discord between the petitioner and respondent No.2. Due to the intervention of respectables, elders and friends, a compromise has been arrived at between the parties.

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 20.10.2016 directed the parties to appear before learned Illaqa Magistrate/trial court on 18.11.2016 for recording of their statements 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 directed to intimate whether the petitioner is a proclaimed offender and whether any other case is pending against him. Information was sought as to whether all affected persons are party to the settlement.

Pursuant to order dated 20.10.2016, the parties appeared before the learned Additional Chief Judicial Magistrate, Amritsar and their statements were recorded on 18.11.2016. Respondent No.2-Smt. Girija has stated that the co-accused namely, Mamta has already been acquitted. The matter has been amicably resolved between the parties. The petition under Section 13-B of the Hindu Marriage Act, 1955 filed by the petitioner and respondent No.2 for grant of divorce by mutual consent has been allowed. It is further stated that she has received an amount of ₹ 3,10,000/- towards full and final/future permanent alimony and maintenance for her as well as her child. The settlement has been arrived at out of her own free will and volition, without any kind of pressure or undue influence. Respondent No. 2 has stated that she has no objection to the quashing of the above said FIR qua the petitioner in view of the settlement arrived at. Statement of the petitioner has also been recorded.

As per report dated 23.11.2016 submitted by the learned Additional Chief Judicial Magistrate, Amritsar it is noted that the compromise between the parties is genuine, voluntary and arrived at out of the free will of both the parties. It is further noted that the petitioner was declared a proclaimed offender but he was admitted to bail pursuant to order dated 31.03.2014 passed by this court in Criminal Miscellaneous No. M- 10497 of 2014.

Learned counsel for the complainant/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 the above mentioned FIR.

Learned counsel for the State, on instructions from ASI Satnam 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. 307 dated 03.11.2006 registered under Section 498-A IPC at Police Station Sadar, District Amritsar alongwith all consequential proceedings arising therefrom are hereby quashed.

23.02.2017
PA

(LISA GILL)
JUDGE

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