

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

**CRM No. M-20270 of 2016
Date of decision: 01.05.2017**

Gurpreet Singh and another

..... Petitioners.

Versus

State of Punjab and another

..... Respondents.

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. J.S.Moudgill, Advocate, for the petitioners.

Mr. K.D. Sachdeva, Addl. A.G., Punjab.

Mr. Sukhmeet Singh, Advocate, for
Mr. A.S. Dhindsa, 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. 112 dated 28.11.2015 (**Annexure P-1**) registered under Sections 498-A and 406 of the Indian Penal Code (for short 'IPC') at Police Station Baretta, District Mansa and all other consequential proceedings arising therefrom on the basis of an amicable settlement (**Annexure P-2**) arrived at between the parties.

The above said FIR was registered at the behest of respondent No. 2-Smt. Hardeep Kaur. The dispute arose between the parties because of matrimonial discord between petitioner No. 1-Gurpreet Singh and respondent No.2- Hardeep Kaur.

With the intervention of respectables, elders and relatives, the matter has been amicably resolved between the parties. It is submitted that petitioner No. 1 and respondent No. 2 have resumed cohabitation and are living together at their matrimonial home.

This Court on 08.11.2016 directed the parties to appear before the learned Illaqa Magistrate/trial Court on 22.11.2016 for recording their statements in respect to the above-mentioned compromise. Learned trial court/Illaqa Magistrate was directed to submit a report regarding the genuineness of the compromise and to intimate regarding pendency of any proclamation proceedings against the party.

Pursuant to order dated 08.11.2016, the parties appeared before the learned Judicial Magistrate 1st Class, Budhlada and their statements were recorded on 22.11.2016. Respondent No.2-Smt.Hardeep Kaur has stated that the matter has been amicably resolved with the accused-petitioners with the intervention of the relatives and respectable persons. She has stated that the compromise is genuine, arrived at out of her own free will, without any kind of pressure. Respondent No. 2 has further stated that she has no objection in case the above said FIR against both the petitioner is is quashed. Statements of the petitioners in respect to the settlement were also recorded.

As per report dated 22.11.2016, submitted by the learned Judicial Magistrate 1st Class, Budhlada, it is opined that the compromise between the parties is genuine, voluntarily arrived at, without any kind of pressure or coercion. The petitioners are the two accused in this case. They are not proclaimed offenders and neither are any such proceedings pending against them.

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, whatsoever, to the quashing of the above mentioned FIR qua the petitioners.

Learned counsel for the State on instructions from HC Salwinder Singh, Police Station Baretta, Mansa submits that the present being a matrimonial dispute, the State has no objection to the quashing of this FIR on the basis of a 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”.

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.

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

This petition is, thus, allowed and FIR No. 112 dated 28.11.2015 registered under Sections 498-A and 406 of the IPC at Police Station Baretta, District Mansa alongwith all consequential proceedings arising therefrom are hereby quashed qua the petitioners. Liberty is, however, 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.

01.05.2017
PA

(LISA GILL)
JUDGE

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