

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

Criminal Misc. No.M- 19406 of 2017 (O&M)

Date of decision : December 05, 2017

Ajay Sanan

.....Petitioner

Versus

State of Punjab and another

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. L.S. Lakhanpal, Advocate for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

Mr. Dhawaljeet Dutta, Advocate for respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No. 56 dated 27.10.2011 under Sections 406/498A IPC registered at Police Station Women Cell, District Jalandhar 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 - petitioner. With the intervention of respectables and relatives, a compromise has been arrived at between the parties, the terms of which are reflected in the affidavit dated 20.04.2017 (Annexure P-2) executed by respondent No. 2.

Learned counsel for the petitioner as well as respondent No. 2 inform that petition under Section 13B of the Hindu Marriage Act, 1955 filed by the petitioner and respondent No. 2 has since been allowed. The entire settled amount stands received by respondent No. 2, who has no objection to the quashing of the aforementioned FIR.

This Court on 26.05.2017 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 and volition of the parties without any coercion, fear or undue influence. Learned trial court was also directed to intimate whether the petitioner is absconding/proclaimed offender and whether any other case is pending against him. Information was sought as to whether all affected persons are a party to the settlement.

Pursuant to order dated 26.05.2017, the parties appeared before the learned Judicial Magistrate First Class, Jalandhar and their statements were recorded on 01.07.2017. Respondent No.2 stated that she has compromised the matter with the accused petitioner out of her own free will, without any pressure, threat or coercion. She further stated that she has no objection to the quashing of the abovesaid FIR qua the petitioner. Statement of the petitioner in respect to the compromise was also recorded.

As per report dated 03.07.2017 received from the learned Judicial Magistrate First Class, Jalandhar it is opined that compromise effected between the parties is genuine, voluntary, arrived at out of free will of the parties, without any pressure, coercion or undue influence. The petitioner is not reported to be a proclaimed offender. 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.

Learned counsel for the State, on instructions from ASI Ravi

Kumar submits that as the abovesaid FIR arises out of a matrimonial dispute, the State has no objection to the quashing of this FIR 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. 56 dated 27.10.2011 under Sections 406/498A IPC registered at Police Station Women Cell, District Jalandhar alongwith all consequential proceedings are, hereby, quashed.

(Lisa Gill)
Judge

December 05, 2017

rts

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