

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

Criminal Misc. No. M- 19504 of 2017(O&M)

Date of Decision: October 23 , 2017.

Ravinder Singh and others PETITIONER(s)

Versus

State of Punjab and another RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Robin Lohan, Advocate
for the petitioners.

Mr. Saurav Khurana, DAG, Punjab.

None for the complainant/respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.119 dated 28.07.2015 under Sections 406/498A IPC registered at Police Station Kurali, District SAS Nagar 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 10.03.2016 (Annexure P2). Petitioner No.1 and respondent No.2 decided to part ways. It is informed that petition under Section 13B of the Hindu Marriage Act, 1955 has

since been allowed on 18.09.2017 and the entire settled amount has been handed over to respondent No.2.

This Court on 27.07.2017 directed the parties to appear before learned trial court/Illaqa Magistrate 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, 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/Illaqa Magistrate was also directed to intimate whether any of the petitioners are absconding/proclaimed offenders and whether any other case is pending against them. Information was sought as to whether all affected persons are a party to the settlement.

Pursuant to order dated 27.07.2017, the parties appeared before the learned Additional Chief Judicial Magistrate, Rupnagar and their statements were recorded on 16.08.2017. Respondent No.2 stated that the matter has been compromised with the accused petitioners. The settlement, it is stated, has been arrived at out of her own free will without any promise, pressure or influence from any corner. It is further stated that petition under Section 13B of the Hindu Marriage Act, 1955 has been filed and a total amount of ₹2.5 lakhs is agreed to be remitted to her qua all her claims against the petitioners. Respondent No.2 further stated that she has no objection in case the abovesaid FIR against the accused petitioners is quashed. Joint statement of the petitioners in respect to the settlement was recorded as well.

As per report dated 16.08.2017 received from the learned Additional Chief Judicial Magistrate, Rupnagar, it is opined that the compromise between

he parties is genuine, arrived at between them out of their sweet will without any inducement or coercion. None of the petitioners are reported to be proclaimed offenders. Statements of the parties are appended alongwith the said report.

Mr. C.S.Jattana, Advocate had appeared on behalf of respondent No.2 before this Court on 27.07.2017. He affirmed and verified the factum of settlement between the parties.

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.119 dated 28.07.2015

under Sections 406/498A IPC registered at Police Station Kurali, District SAS Nagar 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.

October 23 , 2017.
'om'

**(LISA GILL)
JUDGE**

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