

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

**Crl. Misc. No. M-23817 of 2012
Date of Decision : November 01, 2017**

Jagdev Singh and others Petitioners

Versus

State of Punjab and another Respondents

Crl. Misc. No. M-17289 of 2011

Harjit Singh Bajwa.....Petitioner

Versus

Jasbir Singh Respondent

CORAM : HON'BLE MRS. JUSTICE LISA GILL

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Present: Mr. B.S.Bajwa, Advocate
for the petitioners.

Mr. Saurav Khurana, DAG, Punjab.

Mr. Himanshu Puri, Advocate
for respondent-Jasbir Singh.

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LISA GILL, J. (Oral)

This order shall dispose of CRM-M-17289 of 2011 as well as CRM-M-23817 of 2012. For the sake of convenience, facts have been taken from CRM-M-23817 of 2012.

Prayer in these petitions is for quashing of Criminal Complaint No. 28 of 2003 dated 18.02.2003 under Sections 366, 379, 380, 427, 452, 506 IPC pending in the Court of Shri Jaswinder Singh PCS, Judicial

Magistrate 1st Class, Batala (Annexure P1) as well as the summoning order dated 05.10.2005 (Annexure P2).

Petitioner No.1 (in CRM-M-23817 of 2012), it is submitted, has solemnized marriage with the daughter of respondent No.2 against his wishes. The above said complaint was thus registered on this account.

These petitions were filed for quashing of the abovesaid complaint and summoning order on merits.

It is informed that during the pendency of this petition, the matter has been amicably resolved between the parties. Respondent No.2 has reconciled to the marriage of petitioner No.1 with his daughter and no longer wishes to proceed with the above said complaint. Petitioner No.1 and the complainant's daughter, it is informed, are now living together in peace and harmony in the matrimonial home. Affidavit/Compromise dated 21.07.2017 is attached as Annexure P6 with the file of CRM-M-17289 of 2011.

Pursuant to orders dated 25.07.2017 and 11.08.2017, the parties appeared before the learned Additional Sessions Judge, Gurdaspur on 17.08.2017. The complainant/respondent No.2 stated that the matter has been amicably resolved between the parties. The settlement has been arrived at out of his own free will, without any kind of threat or undue influence. The settlement has been arrived at as the parties wish to live in peace and harmony. Respondent No.2 no longer wishes to proceed against any of the accused persons and has no objection if the above said complaint and the summoning order dated 05.10.2005 as well as all subsequent proceedings against all the accused-petitioners are quashed. It is stated that the accused Hardev Singh, Kartar Singh and Dharminder Singh have since

passed away. Separate statements of all the accused-petitioners in view of the settlement were recorded.

As per report dated 18.09.2017 received from the learned Additional Sessions Judge, Gurdaspur, it is opined that the settlement arrived at between the parties is genuine, without any threat, pressure or undue influence. Statements of the parties are appended along with the said report.

Learned counsel for respondent No.2 reiterates that daughter of respondent No.2 and petitioner No.1(in CRM-23817 of 2012) are living together in their matrimonial home and respondent No.2 has no objection to quashing of the afore-mentioned complaint as well as summoning order dated 05.10.2005 against all the accused petitioners.

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 above-said complaint as no useful purpose would be served by continuance of the present proceedings.

exercise in futility.

As noted above, this petition no longer survives qua petitioners No. 3 and 4 in CRM-23817 of 2012 as they have since passed away. Qua the remaining petitioners, both these petitions are allowed in view of the facts and circumstances noted above, specifically the settlement arrived at between the parties. Consequently, Complaint No. 28 of 2003 dated 18.02.2003 under Sections 366, 379, 380, 427, 452, 506 IPC pending in the Court of Shri Jaswinder Singh PCS, Judicial Magistrate 1st Class, Batala (Annexure P1) as well as the summoning order dated 05.10.2005 (Annexure P2) along with all consequential proceedings are, hereby, quashed.

01.11.2017
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(LISA GILL)
JUDGE

Note: Whether speaking/reasoned

Yes / No

Whether Reportable:

Yes / No