

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

**CRM-M-20032 of 2017 (O&M)**

**Date of Decision:13.11.2017**

Prabhdeep Singh and another

..... Petitioners

Versus

State of Punjab and another

..... Respondents

**CORAM:- HON'BLE MRS.JUSTICE LISA GILL**

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

Mr. Karanbir Singh, AAG, Punjab.

Ms. Sonia Rani, Advocate  
for Mr. A.S.Padam, Advocate  
for respondent no.2.

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**LISA GILL, J(Oral).**

Prayer in this petition is for quashing of FIR No.57 dated 09.10.2016, under Sections 406, 498-A IPC, registered at Police Station Women Cell, District Amritsar, along with all other consequential proceedings arising therefrom on the basis of compromise dated 10.03.2017 (Annexure P-2) arrived at between the parties.

The above-said FIR was registered at the instance of respondent No.2 due to matrimonial discord with her husband i.e. Petitioner No.1. The matter was amicably resolved. The terms and conditions of settlement were reduced into writing on 10.03.2017 (Annexure P-2).

It is informed that petition under Section 13-B of the Hindu Marriage Act, 1955, filed by petitioner no.1 and respondent no.2 has since been allowed on 14.09.2017 and the entire settled

amount has been handed over to respondent no.2 and nothing remains due towards her.

This Court on 10.08.2017 directed the parties to appear before the learned trial court for recording of 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 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 10.08.2017, the parties appeared before the learned Chief Judicial Magistrate, Amritsar and their statements were recorded on 14.09.2017 and 15.09.2017 respectively. Respondent No.2 stated that she has amicably resolved the matter with both the accused-petitioners out of her free will and consent, without any kind of pressure or coercion. Respondent No.2 further states that she has no objection to the quashing of the aforementioned FIR and all other consequential proceedings against the petitioners. Statements of the parties in respect to the compromise was also recorded. Statement of HC Gurdial Singh, No. 422/Amritsar City to the effect that the present petitioners are the only two accused in this case and none of them is a proclaimed offender, was also recorded on 27.09.2017. No other case is reported to be pending against them.

As per report dated 28.09.2017, received from the learned Chief Judicial Magistrate, Amritsar, it is opined that the settlement between the parties is genuine, voluntary, out of their free will and without any coercion or undue influence. None of the petitioners is reported to be a proclaimed offender. Statements of the parties and HC Gurdial Singh, are appended along with 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 above-mentioned FIR against the petitioners subject to strict adherence to the terms and conditions of the settlement by the petitioners.

Learned counsel for the State submits that as the above-said 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 above-said 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. 57 dated 09.10.2016, under Sections 406, 498-A IPC, registered at Police Station Women Cell, District Amritsar, along with 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 petitioner(s) or it is found that the settlement was a mere ruse to have the aforesaid FIR quashed.

**13.11.2017**

s.khan

**[LISA GILL]**  
**Judge**

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.