

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

Criminal Misc. M- No. 20335 of 2017 (O&M)

Date of decision : August 09, 2017

Kailash Rani and others

.....Petitioners

Versus

State of Punjab and another

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. R.S. Malhotra, Advocate
for the petitioners.

Mr. Karanbir Singh, AAG, Punjab.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No. 17 dated 09.02.2013 registered under Sections 406, 498A IPC at Police Station Women Cell, District Jalandhar city 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 behest of respondent No.2 due to matrimonial discord with her husband i.e., petitioner No.2. With the intervention of respectables and relatives, a compromise has been arrived at between the parties, the terms of which were reduced into writing on 22.03.2017 (Annexure P-2). The parties wish to live in peace and harmony and put an end to the acrimony between them. The present petition has been filed on the basis of this compromise.

This Court on 01.06.2017 directed the parties to appear before learned trial court/Illaq Magistrate for recording their statements in respect

to the above-mentioned compromise. Learned trial court/Illaq Magistrate was directed to submit a report regarding the validity or otherwise of the compromise after recording the statements of all the concerned parties.

Pursuant to order dated 01.06.2017, 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 the matter has been amicably resolved with all the accused petitioners. A petition under Section 13-B of Hindu Marriage Act, 1955 has been filed. Part of the settled amount has been received by her and the rest of the amount is to be handed over to her on 28.09.2017. It is further stated that the settlement has been arrived at out of her own free will, without any pressure, threat or undue influence and she has no objection in case the abovesaid FIR against all the accused petitioners is quashed. Statements of all the petitioners in respect to the settlement were recorded.

As per report dated 10.07.2017 received from the learned Judicial Magistrate First Class, Jalandhar, it is opined that the compromise between the parties is genuine, arrived at without any kind of pressure or force. None of the petitioners are reported to be the proclaimed offenders. Statements of the parties are appended alongwith the said report.

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 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. 17 dated 09.02.2013 registered under Sections 406, 498A IPC at Police Station Women Cell, District Jalandhar city 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 petitioner(s) or it is found that the settlement was a mere ruse to have the aforesaid FIR quashed.

August 09, 2017
rts

(Lisa Gill)
Judge

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