

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

Criminal Misc. M- No. 20493 of 2017 (O&M)

Date of decision : August 22, 2017

Simbal Kaur and others

.....Petitioners

Versus

State of Punjab and another

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Deepak Aggarwal, Advocate for the petitioners.

Mr. Devinder Bir Singh, DAG, Punjab.

Mr. B.S. Sidhu, Advocate for respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No. 10 dated 15.03.2017 under Sections 498A, 420, 494, 34 IPC registered at Police Station Women, Bathinda 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. 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 20.05.2017 (Annexure P-2). 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 Illaqa Magistrate for recording their statements in respect to the above-mentioned compromise. Learned Illaqa Magistrate was directed to submit a report regarding the genuineness of the compromise, as to whether it has been arrived at voluntarily, without any coercion or undue influence.

Learned Illaqa Magistrate was also directed to intimate whether any of the accused are proclaimed offenders. Information was sought regarding

number of persons arrayed as accused.

Pursuant to order dated 01.06.2017, the parties appeared before the learned Judicial Magistrate First Class, Bathinda and their statements were recorded on 06.06.2017. Respondent No.2 stated that the matter has been amicably resolved with all the three petitioners who are accused in this case. Settlement, it is stated, has been arrived at out of her own free will, without any kind of pressure. Respondent No.2 stated that she has no objection whatsoever to the quashing of the abovesaid FIR against all the accused petitioners. Statements of the petitioners in respect to the compromise were also recorded.

As per report dated 06.06.2017 received from the learned Judicial Magistrate First Class, Bathinda it is opined that the compromise between the parties is genuine, voluntary, arrived at out of free will of the parties and without any coercion or undue influence. None of the petitioners are reported to be proclaimed offenders. Statements of the parties are appended alongwith the said report.

Learned counsel for respondent No.2 affirms 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 against all the petitioners.

Learned counsel for the State, on instructions from ASI Bhalla Singh, 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. 10 dated 15.03.2017 under Sections 498A, 420, 494, 34 IPC registered at Police Station Women, Bathinda 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.

(Lisa Gill)
Judge

August 22, 2017

rts

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