

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

Criminal Misc. M- No. 20664 of 2017 (O&M)

Date of decision : August 08, 2017

Satpal Singh

.....Petitioner

Versus

State of Punjab and another

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Daljit Singh Kahlon, Advocate
for the petitioner.

Mr. Karambir Singh, AAG, Punjab.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No. 60 dated 31.07.2015 registered under Sections 406, 498A IPC at Police Station Women, Amritsar City, District Amritsar and all other consequential proceedings arising therefrom on the basis of a compromise arrived at between the parties as reflected in document attached as Annexure P-2.

The abovesaid FIR was registered at the behest of respondent No.2 due to matrimonial discord with her husband-petitioner. 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 07.07.2017 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 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/Illaq 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 07.07.2017, the parties appeared before the learned Judicial Magistrate First Class, Amritsar and their statements were recorded on 20.07.2017. Respondent No.2 stated that the matter has been compromised by her with the accused petitioner out of her own free will, without any undue pressure or coercion from any corner. Respondent No. 2 further stated that she has no objection in case the abovesaid FIR against the accused petitioner is quashed. Statement of the petitioner in respect to the settlement was also recorded.

As per report dated 20.07.2017 received from the learned Judicial Magistrate First Class, Amritsar, it is opined that the compromise arrived at between the parties is genuine, voluntary, arrived at out of free will and consent of the parties, without any undue influence, pressure or coercion. The petitioner, who is the sole accused, is not reported to be a proclaimed offender. Statements of the petitioner and respondent No. 2 are appended alongwith the said report.

Learned counsel for the petitioner informs that a petition under Section 13-B of Hindu Marriage Act, 1955 has been allowed on 20.07.2017 itself.

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. 60 dated 31.07.2015 registered under Sections 406, 498A IPC at Police Station Women, Amritsar City, District Amritsar 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 08, 2017
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No