

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

Criminal Misc. No.M- 20709 of 2017 (O&M)

Date of decision : October 03, 2017

Sahil Kapoor and another

.....Petitioners

Versus

State of Punjab and another

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Karanjit Singh, Advocate
for the petitioners.

Mr. Rahul Rathore, DAG, Punjab.

Mr. Vinay Kumar, Advocate
for respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No. 76 dated 26.12.2016 under Section 498A IPC registered at Police Station Women, District Amritsar 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 instance of respondent No.2 due to matrimonial discord with her husband i.e., petitioner No.1. 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 15.05.2017 (Annexure P-2). The present petition has been filed on the basis of this compromise.

Petitioner No. 1 and respondent No. 2 have decided to part

ways. It is informed that petition under Section 13B of Hindu Marriage Act, 1955, has been filed by the petitioners. Their statements at first motion have been recorded and the matter is stated to be listed for recording of statements of the parties at second motion on 19.03.2018.

This Court on 02.06.2017 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.

Pursuant to order dated 02.06.2017, the parties appeared before the learned Chief Judicial Magistrate, Amritsar and their statements were recorded on 03.07.2017. Respondent No.2 stated that the matter has been compromised by her with the accused petitioners out of her own free will, consent, without any kind of pressure or coercion. Respondent No.2 further stated that she has no objection to the quashing of the abovesaid FIR qua the petitioners. A joint statement of the petitioners in respect to the compromise was also recorded.

As per report dated 04.07.2017 received from the learned Chief Judicial Magistrate, Amritsar it is opined that the compromise between the parties is bona fide and genuine. None of the petitioners is reported to be a proclaimed offender. Statements of the parties are appended alongwith 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 abovementioned 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 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. 76 dated 26.12.2016 under Section 498A IPC registered at Police Station Women, 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.

October 03, 2017
rts

(Lisa Gill)
Judge

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