

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

CRM No. M-22439 of 2016

Date of decision: 18.01.2017

Parmveer Singh

..... Petitioner.

Versus

State of Punjab and another

..... Respondents.

CORAM: HON'BLE MS. JUSTICE LISA GILL

Present: Mr. Naresh Kaushik, Advocate for the petitioner.

Mr. Gurinderjit Singh, DAG, Punjab.

Mr. Balwinder Singh Brar, Advocate, for respondent No.2.

LISA GILL, J.

This petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of FIR No. 32 dated 10.05.2016 (Annexure P-1) registered under Section 498-A of the Indian Penal Code (for short 'IPC'), Section 420 IPC (added later) at Police Station Sadar Batala, District Batala and all other consequential proceedings arising therefrom on the basis of an amicable settlement (Annexure P-3) arrived at between the parties.

Learned counsel for the petitioner submits that the parties i.e the petitioner and respondent No. 2 are living together.

The above said FIR arises out of a matrimonial dispute between the petitioner and respondent No.2. Due to the intervention of respectables, a compromise has been arrived at between the parties. The parties wish to live in peace and harmony and put an end to the acrimony between them. Present petition has been filed on the basis of this compromise.

This Court on 21.11.2016 had directed the parties to appear before learned trial court/Illaq Magistrate on 19.12.2016 for getting their

statements recorded in respect to the above-mentioned compromise. Learned trial court/Illaqa 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 was also directed to intimate whether the petitioner is a proclaimed offender and whether any other case is pending against him. Information was also sought as to whether all affected persons are party to the settlement.

Pursuant to order dated 21.11.2016, the parties appeared before the learned Judicial Magistrate 1st Class, Batala and their statements were recorded on 19.12.2016. Statement of respondent No.2- Smt. Karandeep Kaur was recorded to the effect that the above said FIR was registered on her statement. Due to intervention of the respectables, the matter has been settled and she has no grudge against the petitioner. She has no objection in case the FIR is quashed. She has given the statement without any coercion, pressure and out of her own free will. Statement of the petitioner was also recorded. ASI Harjit Singh, Police Station Sadar, Batala made a statement to the effect that the petitioner is the only accused in this case. No proclamation proceedings have been initiated against him and the challan/report under Section 173 Cr.P.C has not been presented.

As per report dated 22.12.2016 of the learned Judicial Magistrate 1st Class, Batala, it is noted that the compromise arrived at between the parties is voluntarily, without undue influence, pressure or coercion. Statements of the parties have been appended alongwith the report.

Learned counsel for respondent No.2 on 21.11.2016 has filed a short reply by way of affidavit of respondent No.2-Smt. Karandeep Kaur. It is

stated in the said affidavit dated 13.07.2016 that both the parties have agreed to cohabit as husband and wife in their matrimonial home and respondent No. 2 has no objection to the quashing of above mentioned FIR.

Learned counsel for the State, on instructions from ASI Daler Singh affirms and verifies the factum of settlement between the parties and submits that the present being a matrimonial dispute the State has no objection to the quashing of this FIR on the basis of the settlement 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”.

In view of the above, it would be in the interest of justice to quash the abovesaid FIR as no useful purpose would be served by continuing the present proceedings. It will only lead to wastage of the precious time of the court and would be an exercise in futility.

This petition is, thus, allowed and FIR No. 32 dated 10.05.2016 (Annexure P-1) registered under Section 498-A IPC, later added Section 420 IPC at Police Station Sadar Batala, District Batala alongwith all consequential proceedings are hereby quashed.

18.01.2017

PA

(LISA GILL)
JUDGE

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