

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

**Criminal Misc. No.M- 23136 of 2016 (O&M)**

Date of decision : December 05, 2017

Guriqbal Singh and others

.....Petitioners

Versus

State of Punjab and another

....Respondents

**CORAM:- HON'BLE MRS. JUSTICE LISA GILL**

Present: Mr. Talwinder Singh, Advocate for  
Ms. Rakhi Sharma, Advocate  
for the petitioners.

Mr. Saurav Khurana, DAG, Punjab.

Mr. Kewal Krishan, Advocate  
for respondent No.2.

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**LISA GILL, J.**

Prayer in this petition is for quashing of FIR No. 139 dated 24.12.2014 under Sections 498A, 406, 323, 419, 420, 467, 468, 471 IPC registered at Police Station Khilchian, District Amritsar (Rural) 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 02.05.2016 (Annexure P-2). The present petition has been filed on the basis of this compromise.

It is submitted that divorce has since been granted to petitioner No. 1 and respondent No. 2.

This Court on 10.01.2017 directed the parties to appear before learned Illaqa/Area Magistrate for recording their statements in respect to the above-mentioned compromise. Learned Illaqa/Area 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 Illaqa/Area 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 10.01.2017, the parties appeared before the learned Sub Divisional Judicial Magistrate, Baba Bakala Sahib and their statements were recorded on 20.01.2017. Respondent No.2 stated that the matter has been amicably resolved by her with all the accused petitioners out of her own free will, without any threat or pressure. Respondent No.2 further stated that she has no objection to the quashing of the abovesaid FIR qua the petitioners as she did not wish to take further action. A joint statement of the petitioners in respect to the compromise was also recorded. Statement of ASI Sikander Lal, Police Station Khalchian was recorded to the effect that none of the three accused persons are proclaimed offender.

As per report dated 25.01.2017 received from the learned Sub Divisional Judicial Magistrate, Baba Bakala Sahib, it is opined that the compromise between the parties is genuine, voluntary, arrived at out of their own free will, without any pressure or coercion. 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.

Learned counsel for the State, on instructions from ASI Jasbir 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. 139 dated 24.12.2014 under Sections 498A, 406, 323, 419, 420, 467, 468, 471 IPC

registered at Police Station Khilchian, District Amritsar (Rural) 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.

December 05, 2017  
rts

**(Lisa Gill)**  
**Judge**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No