

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

CRM-M-23122 of 2017 (O&M)

Date of Decision:07.11.2017

Sukhdev Singh

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr.Ankur Bansal, Advocate
for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

Mr. Anterpreet Singh, Advocate
for respondent no.2.

LISA GILL, J(Oral).

Prayer in this petition is for quashing of FIR No. 91 dated 06.08.2016, under Sections 406, 498-A IPC, registered at Police Station Bhogpur, District Jalandhar, along with all other consequential proceedings arising therefrom on the basis of settlement arrived at between the parties.

The above-said FIR was registered at the instance of respondent No.2 due to matrimonial discord with her husband i.e. petitioner. The matter has been amicably resolved between the parties with the intervention of respectables and family members. Learned counsel for the petitioner submits that the petition under Section 13-B of the Hindu Marriage Act, 1955 has since been allowed on 11.08.2017, the entire settled amount of ₹9 lakhs has been handed over to respondent no.2.

This Court on 17.07.2017 directed the parties to appear

before the learned trial court for recording of their statements in respect to the above-mentioned compromise. Learned trial court 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 absconding/proclaimed offender and whether any other case is pending against him. Information was sought as to whether all affected persons are a party to the settlement. Liberty was afforded to the petitioner to have his statement recorded through his power of attorney holder-Darshan Singh i.e. the father of the petitioner.

Pursuant to order dated 17.07.2017, parties appeared before the learned Judicial Magistrate Ist Class, Jalandhar on 21.07.2017. Respondent no. 2 stated that the matter has been compromised with the accused-petitioner, who is the sole accused in this case. A petition under Section 13-B of the Hindu Marriage Act, 1955, it is stated was filed by the petitioner and respondent no.2. A sum of ₹4,50,000/- out of the total amount of ₹9 lakhs was received by her on the said date. It is mentioned that rest of the amount would be handed over to her at the time of recording of the statements at second motion. It is stated that the compromise has been effected between the parties out of her free will and consent, without any threat, inducement, fraud and coercion. Respondent no.2 has stated that she has no objection in case the above said FIR against the petitioner is quashed. Statements of the petitioners in respect to the

compromise were also recorded.

As per report dated 09.10.2017 received from the learned Judicial Magistrate First Class, Jalandhar it is opined that the settlement between the parties is genuine, arrived at out of the free will and consent of the parties, without any threat, coercion or fraud. The petitioner is not reported to be a proclaimed offender. Statements of the parties are appended along with 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 above-mentioned FIR against the petitioner in view of the settlement between the parties.

Learned counsel for the State submits that as the above-said 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 above-said 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. 91 dated 06.08.2016, under Sections 406, 498-A IPC, registered at Police Station Bhogpur, District Jalandhar, along with all consequential proceedings are, hereby, quashed.

07.11.2017
s.khan

[LISA GILL]
Judge

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.