

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

**CRM No. M-2315 of 2017
Date of decision: 23.05.2017**

Karan Thakur @ Karan Singh

..... Petitioner.

Versus

State of Punjab and another

..... Respondents.

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. B.R. Rana-1, Advocate, for the petitioner.

Mr. K.D. Sachdeva, AAG, Punjab.

Mr. Vipin K. Sharma, 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. 21 dated 06.03.2013 (**Annexure P-1**) registered under Sections 498-A and 406 of the Indian Penal Code (for short 'IPC') at Police Station Women Cell, District Ludhiana as well as charges framed against the petitioner on 20.07.2013 (Annexure P-2) and all other consequential proceedings arising therefrom on the basis of an amicable settlement arrived at between the parties.

The above said FIR was registered at the behest of respondent No. 2-Smt. Nisha Rani. The dispute arose between the parties because of matrimonial discord between petitioner- Karan Thakur @ Karan Singh and respondent No.2- Nisha Rani.

With the intervention of respectables, elders and relatives, the matter has been amicably resolved between the parties. The petitioner and respondent No.2 have decided to part ways. The terms and conditions of the

compromise were reduced into writing on 05.11.2016. The compromise is on record of this petition as Annexure P-3.

This Court on 16.03.2017 directed the parties to appear before the learned Illaqa Magistrate/trial Court on 28.03.2017 for recording their statements 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 Illaqa Magistrate/trial court was directed to intimate whether the petitioner is a proclaimed offender and whether any other case is pending against him.

Pursuant to order dated 16.03.2017, the parties appeared before the learned Judicial Magistrate 1st Class, Ludhiana and their statements were recorded on 28.03.2017. Respondent No.2-Smt. Nisha Rani stated that the matter has been amicably resolved between the parties. The settlement has been arrived at out of her own free will, without any coercion or pressure. Petition under Section 13-B of the Hindu Marriage Act, stands filed by them. Their statements at first motion have been recorded. A sum of ₹ 1.50 lakhs has been received by her as well as her entire *istri dhan*. Another sum of ₹ 1.50 lakhs is to be paid by the petitioner on 25.07.2017 at the time of recording of their statements at second motion in petition under Section 13-B of the Hindu Marriage Act. It is submitted by respondent No. 2 that she has no objection to the quashing of the aforementioned FIR against the petitioner. Statement of the petitioner in respect to the settlement was recorded.

As per report dated 20.04.2017, submitted by the learned Judicial Magistrate 1st Class, Ludhiana, it is opined that the settlement between the

parties is genuine, voluntary, arrived at without any threat, coercion or pressure. The petitioner is not a proclaimed offender and neither are any such proceedings pending against him.

Learned counsel for the complainant/respondent No.2 affirms and verifies the factum of settlement between the parties. It is stated that respondent No. 2 has no objection, whatsoever, to the quashing of the above mentioned FIR qua the petitioner provided the petitioner abides by the terms and conditions of the settlement arrived at between the parties

Learned counsel for the State on instructions from ASI Satnam Singh, Police Station Women, Ludhiana submits that the present being a matrimonial dispute, the State has no objection to the quashing of this FIR on the basis of a 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”.

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.

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 continuance of the present proceedings. It will only lead to wastage of precious time of the court and would be an exercise in futility.

This petition is, thus, allowed and FIR No. 21 dated 06.03.2013 registered under Sections 498-A and 406 of the IPC at Police Station Women Cell, District Ludhiana as well as charges framed against the petitioner on 20.07.2013 and all other consequential proceedings arising from the aforesaid FIR are hereby quashed. However, liberty is afforded to respondent No. 2 to seek revival of the above said FIR as well subsequent proceedings, in case the petitioner does not abide by the terms and conditions of the compromise dated 05.11.2016 (Annexure P-3) i.e. specifically does not tender the rest of the amount due to respondent No. 2 at the time of recording of their statements at second motion in the petition under Section 13- B of the Hindu Marriage Act.

(LISA GILL)
JUDGE

23.05.2017
PA

Whether speaking/reasoned : *Yes/No.*

Whether reportable : *Yes/No.*