

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

Criminal Misc. No.M- 23197 of 2015 (O&M)

Date of decision : November 24, 2017

Malkeet Singh and others

.....Petitioners

Versus

State of Punjab and another

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. A.D.S. Jattana, Advocate
for the petitioners.

Mr. Saurav Khurana, DAG, Punjab.

Mr. Surinder Garg, Advocate
for respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No. 48 dated 10.07.2014 under Sections 498A, 406, 354, 34 IPC registered at Police Station Sri Muktsar Sahib 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. A compromise was arrived at between the parties before the Mediation and Conciliation Centre of this Court, the terms of which were reduced into writing on 19.12.2014 (Annexure P-3). Learned counsel for the parties submit that during the pendency of the present petition a fresh compromise (Annexure P-5) was arrived at between the parties on 09.05.2017. Quashing of the abovesaid FIR is sought on the basis of this compromise.

It is informed that petition under Sections 13B of Hindu Marriage Act, 1955 filed by petitioner No. 1 and respondent No. 2 has since been allowed on 21.11.2017. The entire settled amount between the parties has been received by respondent No. 2.

This Court on 28.07.2017 directed the parties to appear before learned trial court for recording 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 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 28.07.2017, the parties appeared before the learned Judicial Magistrate First Class, Malout and their statements were recorded on 17.08.2017. Respondent No.2 stated that the matter has been amicably resolved by her with all the accused petitioners as reflected in settlement Ex. C1. The compromise, it is stated, has been effected out of her own free will, without any coercion, fraud or misrepresentation. Respondent No.2 stated that she has no objection to the quashing of the abovesaid FIR qua the petitioners. Statements of the petitioners in respect to the compromise were also recorded.

As per report dated 06.09.2017 received from the learned Judicial Magistrate First Class, Malout, it is opined that the compromise df between the parties is genuine, voluntary, without any coercion or undue influence. 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 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. 48 dated 10.07.2014 under Sections 498A, 406, 354, 34 IPC registered at Police Station Sri Muktsar Sahib alongwith all consequential proceedings are, hereby,

quashed.

November 24, 2017
rts

(Lisa Gill)
Judge

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