

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

Crl. Misc. No. M- 24781 of 2016(O&M)

Date of Decision: February 28 , 2017.

Amarjeet Singh and others

..... PETITIONER(s)

Versus

State of Punjab and another

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Peeush Gagneja, Advocate
for the petitioners.

Mr. Arjinder Singh Sidhu, AAG, Punjab.

Mr. Mohit, Advocate for
Mr. H.S.Rakhra, Advocate
for respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.1 dated 05.01.2016 under Sections 406/498A/506 IPC registered at Women Police Station, District Bathinda and all other consequential proceedings arising therefrom on the basis of a compromise arrived at between the parties.

The abovesaid FIR is a fallout of matrimonial discord between petitioner No.1 and respondent No.2. FIR No.1 dated 05.01.2016 was registered on the basis of an application submitted by respondent No.2 – Smt. Gurdeep Kaur.

The dispute between the parties was settled before the Mediation and Conciliation Centre of this Court as they wish to live in peace and harmony and put an end to the acrimony between them. The terms and conditions of the

settlement were reduced into writing on 25.05.2016.

This Court on 21.11.2016 directed the parties to appear before learned trial court/Illaqa Magistrate 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. It was also directed to intimate whether the petitioners are absconding/proclaimed offenders. Information was sought as to whether all affected persons are party to the settlement.

Pursuant thereto, the parties appeared before the learned Judicial Magistrate First Class, Bathinda on 10.01.2017. Respondent No.2 – Smt. Gurdeep Kaur stated that the compromise has been effected between her and her husband alongwith all accused persons. In terms of the said compromise, a petition under Section 13B of the Hindu Marriage Act, 1955 was filed. Their statements at second motion were recorded on 06.12.2016 and the petition was allowed. She has received an amount of ₹3,00,000/- from petitioner No.1 – Amarjeet Singh towards permanent alimony in lieu of her claims past, present and future. Respondent No.2 further stated that this compromise has been arrived at out of her own free will and volition. She has no objection in case the abovesaid FIR is quashed qua all the petitioners.

Statements of petitioners No.2 and 3 in respect to the compromise were also recorded. Petitioner No.1 could not appear before the learned Judicial Magistrate First Class, Bathinda on the said date as he could not get leave. He is serving the Indian Army and posted at Kupwada (sector of Sri

Nagar) Battalion No.152(TA) Sikh Regiment. However, learned counsel for the petitioners submits that petitioner No.1 is bound by the said settlement between the parties. The terms and conditions of the settlement have been duly acted upon by petitioner No.1.

As per report dated 10.01.2017 received from the learned Judicial Magistrate First Class, Bathinda it is noted that the compromise arrived at between the parties is genuine, voluntary, out of their free will and without any coercion or undue influence. Copies of the statements of the parties have been appended alongwith the said report.

Learned counsel appearing 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 FIR against all the petitioners.

Learned counsel for the State submits that as the present is a case arising out of matrimonial discord between the parties, the State can possibly have no objection to the compromise and consequent quashing of the abovesaid FIR.

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 precious time of the court and would be an exercise in the futility.

This petition is, thus, allowed and FIR No.1 dated 05.01.2016 under Sections 406/498A/506 IPC registered at Women Police Station, District Bathinda alongwith all consequential proceedings are, hereby, quashed.

February 28 , 2017.
'om'

(**LISA GILL**)
JUDGE

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