

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

CRM No. M-25407 of 2016

Date of decision: 21.02.2017

Kamal Mohan and another

..... Petitioners.

Versus

State of Punjab and others

..... Respondents.

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. J.S. Randhawa, Advocate for the petitioners.

Mr. Arshdeep S. Kler, Deputy Advocate General, Punjab.

Respondent No.3- Smt. Anu Sharma in person.

LISA GILL, J.

This petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of FIR No. 154 dated 10.08.2013 registered under Section 498-A of the Indian Penal Code (for short 'IPC'), at Police Station Sadar, Amritsar and all other consequential proceedings arising therefrom.

The above said FIR was registered on an application moved by respondent No. 3- Smt. Anu Sharma, who was married to petitioner No. 1- Kamal Mohan, alleging commission of offence under Section 498-A IPC qua the petitioners.

Due to the intervention of respectables, elders and friends, the matter has been amicably settled between the parties. The parties wish to live in peace and harmony and put an end to the acrimony between them. It is informed that the petition filed by petitioner No. 1 and respondent No. 3 under Section 13-B of the Hindu Marriage Act, 1955 has since been allowed

This Court on 17.11.2016 had directed the parties to appear before learned trial Court/Illaqa Magistrate on 16.12.2016 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. Learned trial court was directed to intimate whether the petitioners are proclaimed offenders and whether any other case is pending against them. Information was sought as to whether all affected persons are party to the settlement.

Pursuant to order dated 17.11.2016, petitioner No.1 and respondent No. 3 appeared before the learned Additional Chief Judicial Magistrate, Amritsar on 16.12.2016. Respondent No.3- Smt. Anu Sharma stated that the matter has been amicably settled with the accused-petitioners. The settlement has been arrived at out of her own free will, without any kind of pressure or undue influence. It is further stated that she has no objection, what so ever, in case the above said FIR is quashed against both the accused persons. Statement of petitioner No. 1 was also recorded on 16.12.2016. Thereafter, pursuant to order dated 17.01.2017, petitioner No. 2 appeared before the learned Additional Chief Judicial Magistrate, Amritsar on 24.01.2017 and her statement in respect to the compromise between the parties was recorded.

As per report dated 27.01.2017 submitted by the the learned Additional Chief Judicial Magistrate, Amritsar it is noted that the compromise arrived at between the parties is genuine, voluntary and arrived at out of the free will of the parties.

Respondent No.3 is present in person. She has produced her Aadhar Card to prove her identity. A self attested photocopy of her Aadhar Card is taken on record subject to just exceptions. A demand draft No. 778089 dated 06.02.2017 drawn on Canara Bank for an amount of ₹ 50,000/- in terms

of the settlement between the parties, has been handed over to respondent No. 3 today in Court as full and final payment towards all dues pending towards her. She accepts the same and states that she has no objection if the above said FIR is quashed against both the petitioners.

Learned counsel for the State, on instructions from HC Kulwant Raj submits that the present being a matrimonial dispute the State has no objection to the quashing of this FIR on the basis of the 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”.

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

This petition is, thus, allowed and FIR No. 154 dated 10.08.2013 registered under Section 498-A IPC at Police Station Sadar, Amritsar alongwith all consequential proceedings are hereby quashed.

21.02.2017

PA

(LISA GILL)
JUDGE

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