

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

Criminal Misc. No. M- 25039 of 2017(O&M)

Date of Decision: August 24 , 2017.

Sukhminder Singh PETITIONER(s)

Versus

State of Punjab and another RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Vikram Jeet Singh, Advocate
for the petitioner.

Mr. Karanbir Singh, AAG, Punjab.

Mr. D.S.Kahlon, Advocate
for the complainant/respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.122 dated 03.06.2009 under Sections 406/498A IPC registered at Police Station Jandiala Guru, District Amritsar 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 behest of respondent No.2 due to matrimonial discord with her husband i.e., petitioner No.1. The matter has been settled amicably between the parties before the Mediation and Conciliation Centre of this Court in CRM No.M-10016 of 2017, the terms of which were reduced into writing on 06.07.2017 (Annexure P2). The parties wish

to live in peace and harmony and put an end to the acrimony between them. The petitioner and respondent No.2 have decided to part ways.

A demand draft bearing No.732613 dated 16.08.2017 drawn on Oriental Bank of Commerce for a sum of ₹3,00,000/- in favour of respondent No.2 has been handed over to learned counsel for respondent No.2 in Court today for onward transmission to her in terms of the compromise between the parties. A photocopy of the demand draft dated 16.08.2017 is taken on record subject to just exceptions. It is verified by learned counsel for respondent No.2 that the entire settled amount due towards the respondent No.2 has now been received.

This Court on 14.07.2017 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 accused 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 14.07.2017, the parties appeared before the learned Judicial Magistrate First Class, Amritsar and their statements were recorded on 18.07.2017. Respondent No.2 stated that the matter has been amicably resolved with the petitioner, who is the sole accused in this case. The settlement, it is submitted, has been arrived at out of her own free will, without any fear, pressure, threat or coercion. Respondent No.2 categorically stated that

she has no objection to the quashing of the abovesaid FIR. A sum of ₹4,00,000/- is stated to have been received by her and another sum of ₹3,00,000/- would be handed over to her in the present proceedings. Demand draft dated 16.08.2017 for a sum of ₹3,00,000/- has been received by learned counsel for respondent No.2 in Court today. Statement of the petitioner in respect to the settlement was recorded as well.

As per report received from the learned Judicial Magistrate First Class, Amritsar vide letter No.210 dated 05.08.2017, satisfaction has been expressed that the compromise between the parties is genuine, arrived at between the parties out of their own free will without any fear, pressure, threat or coercion. The petitioner is not 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 verified that the entire settled amount of ₹7,00,000/- has now been received by respondent No.2. It is reiterated that respondent No.2 has no objection to the quashing of the abovementioned FIR against the petitioner.

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.122 dated 03.06.2009 under Sections 406/498A IPC registered at Police Station Jandiala Guru, District Amritsar alongwith all consequential proceedings are, hereby, quashed.

August 24 , 2017.
'om'

(**LISA GILL**)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No