

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

**CRM No. M-26237 of 2016
Date of decision: 06.03.2017**

Gurdeep Singh and others

..... Petitioners.

Versus

State of Punjab and another

..... Respondents.

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Kanav Bansal, Advocate, for the petitioners.

Mr. Arjinder Singh Sidhu, AAG, Punjab

Mr. J.J.S. Uppal, 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. 19 dated 12.02.2016 (**Annexure P-1**) registered under Sections 498-A and 406 of the Indian Penal Code (for short 'IPC') at Police Station Chamkaur Sahib, District Rupnagar and all other consequential proceedings arising therefrom on the basis of an amicable settlement (**Annexure P-2**) arrived at between the parties.

The above said FIR was registered at the behest of respondent No. 2-Smt. Karamjit Kaur. The dispute arose between the parties because of matrimonial discord between petitioner No. 1-Gurdeep Singh and respondent-Smt. Karamjit Kaur.

With the intervention of respectables, elders and relatives, the matter has been amicably resolved between the parties. Petitioner No.1 and respondent No.2 have decided to part ways. The terms and conditions of the compromise were reduced into writing on 04.07.2016. The compromise is

on record of this petition as Annexure P-2. It is submitted that the petitioners are the only three accused in this FIR and none of them are proclaimed offenders.

This Court on 28.11.2016 directed the parties to appear before the learned Illaqa Magistrate/trial Court on 20.12.2016 for recording of 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 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 28.11.2016, the parties appeared before the learned Judicial Magistrate 1st Class, Rupnagar and their statements were recorded on 20.12.2016. Respondent No.2-Smt. Karamjit Kaur has stated that the dispute between the parties has been amicably resolved. The settlement has been arrived at out of her own free will and consent, without any kind of pressure. Respondent No. 2 has stated that she has no objection if the above said FIR against all the three petitioners is quashed. Joint statement of all the three petitioners in respect to the settlement was recorded.

As per report dated 22.12.2016, submitted by the learned Judicial Magistrate 1st Class, Rupnagar, it is mentioned that the compromise arrived at between the parties is genuine, has been arrived at out of the free will of the parties without any pressure or coercion. It is further mentioned that none of the petitioners are proclaimed offenders.

Learned counsel for the complainant/respondent No.2 affirms and verifies the factum of settlement between the parties. It is informed that a petition under Section 13-B of the Hindu Marriage Act, 1955 filed by petitioner No.1 and respondent No. 2 has since been allowed. It is verified that the entire amount due towards respondent No. 2 as per settlement dated 04.07.2016 has been received by her. It is stated that there is no impediment to the quashing of the above mentioned FIR and respondent No. 2 has no objection, whatsoever, to the quashing of the above mentioned FIR qua all the three petitioners.

Learned counsel for the State on instructions from ASI Mohan Lal Singh 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 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. 19 dated 12.02.2016 (Annexure P-1) registered under Sections 498-A and 406 of the Indian Penal Code (for short 'IPC') at Police Station Chamkaur Sahib, District Rupnagar alongwith all consequential proceedings arising therefrom are hereby quashed.

(LISA GILL)
JUDGE

06.03.2017

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Whether speaking/reasoned : *Yes/No.*

Whether reportable : *Yes/No.*