

CRM-M-2619-2017

Date of Decision : 04.08.2017

Jarnail Singh and others

.....Petitioners

versus

State of Punjab and another

....Respondents

CORAM : HON'BLE MRS. JUSTICE LISA GILL**Present:** Mr. Rishu Mahajan, Advocate
for the petitioner.

Ms. Monika Jalota, AAG, Punjab.

LISA GILL, JUDGE (ORAL)

Prayer in this petition is for quashing of FIR No. 365 dated 31.12.2013 registered under Sections 406, 498-A, 342, 120-B IPC registered at Police Station Sadar Jalandhar, District Jalandhar alongwith consequential proceedings arising therefrom on the basis of a compromise arrived at between the parties.

The above said FIR was registered at the behest of respondent No. 2 due to matrimonial discord with her husband-petitioner No. 7. With the intervention of respectables and relatives, a compromise was arrived at between the parties, the terms of which were reduced into writing on 16.12.2016 (Annexure P-2). The parties wish to live in peace and harmony and put an end to the acrimony between them.

This Court on 28.04.2017 directed the parties to appear before learned Illaqa Magistrate for recording their statements in respect to the above-mentioned compromise. Learned 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 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 28.04.2017, the parties appeared before the learned Additional Chief Judicial Magistrate, Jalandhar and their statements were recorded on 13.07.2017. Respondent No. 2 stated that the matter has been compromised by her with the intervention of respectables. It is stated that Settlement has been arrived at by her without any pressure, coercion and undue influence. Compromise Exhibit P-1 was placed before the learned Additional Chief Judicial Magistrate, Jalandhar. It is stated that petition under Section 13-B of the Hindu Marriage Act filed by her and her husband has been allowed by the learned Additional District Judge, Jalandhar on 13.07.2017 itself and she has received the entire settled amount of Rs.3,20,000/- from petitioner No. 7 in lieu of all her claims - past, present and future against the petitioners. Furthermore, she has withdrawn her complaint under Section 12 of Protection of Women from Domestic Violence Act. Respondent No. 2 categorically stated that she has no objection to the quashing of the aforementioned FIR against all the petitioners. Separate statements of all the petitioners in respect of the settlement had recorded.

As per report dated 18.07.2017 submitted by the learned Additional Chief Judicial Magistrate Jalandhar, it is opined that the compromise arrived at between the parties is genuine, without any

coercion or undue influence from any quarter. None of the petitioners are proclaimed offenders. Statements of the parties are appended along with the said report.

Mr. Shakun Chaudhary, Advocate had appeared on behalf of respondent No. 2 on 28.04.2017 before this Court. The settlement between the parties had been affirmed. It was averred that respondent No. 2 would have no objection to the quashing of the aforementioned FIR once the entire amount settled is received by her.

Learned counsel for the State submits that as the above said 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 above said 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. 365 dated 31.12.2013 registered under Sections 406, 498-A, 342, 120-B IPC registered at Police Station Sadar Jalandhar, District Jalandhar along with all consequential proceedings are, hereby, quashed.

(LISA GILL)
JUDGE

04.08.2017

Neha

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No