

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

**CRM No. M-27614 of 2016
Date of decision: 22.02.2017**

Mandhir Singh

..... Petitioner.

Versus

State of Punjab and another

..... Respondents.

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Gurbir Singh Sidhu, Advocate for the petitioner.

Mr. Rajpreet S. Sidhu, AAG, Punjab.

Mr. Ravinder Sharma, 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. 17 dated 12.01.2009 registered under Sections 406 and 498-A of the Indian Penal Code (for short 'IPC') at Police Station Sadar Patiala and all other consequential proceedings arising therefrom on the basis of an amicable settlement arrived at between the parties.

The above said FIR was registered on basis of a complaint submitted by respondent No. 2- Smt. Gurwinder Kaur, who was married to petitioner- Mandhir Singh, alleging commission of offences under Sections 406 and 498-A IPC qua the petitioner.

Due to the intervention of respectables, elders and friends, a compromise has been arrived at between the parties on 02.07.2016 (Annexure P-2) The parties wish to live in peace and harmony and put an end to the acrimony between them. Present petition has been filed on the basis of this compromise.

This Court on 15.12.2016 had directed the parties to appear before the learned Illaqa Magistrate/trial court on 18.01.2017 for getting

their statements recorded in respect to the above-mentioned compromise. Learned Illaqa Magistrate/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 directed to intimate whether the petitioner is a proclaimed offender and whether any other case is pending against him. Information was sought as to whether all affected persons are party to the settlement.

Pursuant to order dated 15.12.2016, the parties appeared before the learned Additional Chief Judicial Magistrate, Patiala and their statements were recorded on 06.02.2017. Respondent No.2- Smt. Gurwinder Kaur stated that she has compromised the matter with the accused-petitioner. The compromise has been effected out of her own free will, without any kind of pressure. It is further stated that she has no objection, whatsoever, if the above said FIR against the petitioner is quashed. Statement of Sh. Mewa Singh, the father of the complainant/respondent No.2, was also recorded in this respect

As per report dated 08.02.2017 submitted by the learned Additional Chief Judicial Magistrate, Patiala, it is mentioned that the compromise arrived at between the parties is voluntary without any coercion or undue influence and it is the out come of free will of the parties. The petitioner is the sole accused and is not a proclaimed offender. Statements of the petitioner (Mandhir Singh), respondent No.2 (Gurwinder Kaur), her father (Mewa Singh) as well as of retired Inspector Surinderpal Jit Singh are also attached along with the report.

Learned counsel for the complainant/respondent No.2 affirms and verifies the factum of settlement between the parties. It is stated that respondent No. 2 has no objection to the quashing of above mentioned FIR.

Learned counsel for the State, on instructions from HC Pawan Kumar 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. 17 dated 12.01.2009 registered under Sections 406 and 498-A IPC alongwith all consequential proceedings arising therefrom are hereby quashed.

(LISA GILL)
JUDGE

22.02.2017

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