

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

CRM No. M-27747 of 2016

Date of decision: 06.04.2017

Jaspreet Singh

..... Petitioner.

Versus

State of Punjab and another

..... Respondents.

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Vipul Dharmani, Advocate, for the petitioner.

Mr. K.D. Sachdeva, Addl.A.G., Punjab.

Mr. Tejinder Pal Singh, 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. 61 dated 08.06.2015 (**Annexure P-1**) registered under Sections 498-A and 406 of the Indian Penal Code (for short 'IPC') at Police Station Women, Ludhiana 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. Prabhkiran Kaur on account of matrimonial discord between her and the petitioner.

With the intervention of respectables, elders and relatives, the matter has been amicably resolved between the parties. The petitioner and respondent No.2 have decided to part ways. The terms and conditions of the compromise were reduced into writing on 09.04.2016. The compromise is on record of this petition as Annexure P-2.

This Court on 15.12.2016 and 14.02.2017 directed the parties to appear before the 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 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 and 14.02.2017, the parties appeared before the learned Judicial Magistrate 1st Class, Ludhiana and their statements were recorded on 06.03.2017. Respondent No.2-Smt. Prabhkiran Kaur has stated that the matter has been amicably resolved with the petitioner. The settlement has been arrived at out of her own free will, without any pressure or coercion. Petition under Section 13- B of the Hindu Marriage Act filed by the parties has been allowed on 07.02.2017. Respondent No. 2 has stated that she has no objection if the above said FIR against the petitioner is quashed. Statement of the petitioner in respect to the settlement was recorded.

As per report dated 30.03.2017, submitted by the learned Judicial Magistrate 1st Class, Ludhiana, it is opined that the settlement between the parties is genuine, arrived at voluntarily, without any pressure or coercion from any corner. It is noted that the petitioner is the sole accused in this case and he is not a proclaimed offender.

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, whatsoever, to the quashing of the above mentioned FIR qua the petitioner.

Learned counsel for the State on instructions from ASI Richard Masih, Police Station Women, Ludhiana 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 continuance of the present proceedings. It will only lead to wastage of precious time of the court and would be an exercise in futility.

This petition is, thus, allowed and FIR No. 61 dated 08.06.2015 registered under Sections 498-A and 406 of the IPC at Police Station Women, Ludhiana alongwith all consequential proceedings arising therefrom are hereby quashed.

(LISA GILL)
JUDGE

06.04.2017
PA

Whether speaking/reasoned : *Yes/No.*

Whether reportable : *Yes/No.*