

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

Criminal Misc. M- No. 27807 of 2016 (O&M)

Date of decision : August 23, 2017

Bira Ram and another

.....Petitioners

Versus

State of Punjab and another

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Abhishek Singla, Advocate
for the petitioners.

Mr. Karanbir Singh, AAG, Punjab.

Ms. Gagandeep Kaur, Advocate for
Mr. Ankush Singla, Advocate
for respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.14 dated 10.06.2011 under Sections 498A, 109 IPC at Police Station Women Bathinda, District Bathinda 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. The complainant's husband is not a party to this petition. It is submitted by learned counsel for the petitioners that the petitioners are not in touch with their son i.e. complainant's husband. The matter has, however, been amicably resolved with respondent No. 2. With the intervention of respectables and relatives, a

compromise has been arrived at between the parties, the terms of which were reduced into writing on 01.07.2016 (Annexure P-2). The present petition has been filed on the basis of this compromise.

This Court on 26.05.2017 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 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 26.05.2017, the parties appeared before the learned Judicial Magistrate First Class, Bathinda and their statements were recorded on 27.07.2017. Respondent No.2 stated that she was married to co-accused Ajay on 29.01.2007. The matter has been amicably settled. The settlement has been arrived at out of her own free will, without any kind of pressure. It is stated by respondent No. 2 that she has received a sum of ₹50,000/- from the accused and she has no other claim against them. It is categorically stated that she does not have objection, in case the FIR against the accused petitioners is quashed. Statements of the petitioners in respect to the compromise were also recorded.

As per report dated 27.07.2017 received from the learned Judicial Magistrate First Class, Bathinda it is opined that the compromise between the parties is genuine, voluntary, arrived at out of their own free

will, coercion or undue influence. 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 reiterated that respondent No.2 has no objection to the quashing of the abovementioned FIR against the accused petitioners.

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.

It has been held by this Court in **Parambir Singh Gill vs. Malkiat Kaur 2010 (1) CRCR (Criminal) 256** that the FIR can be quashed qua some of the accused persons.

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.14 dated 10.06.2011 under Sections 498A, 109 IPC at Police Station Women Bathinda, District Bathinda alongwith all consequential proceedings are, hereby, quashed qua the petitioners.

However, liberty is afforded to respondent No.2 to file necessary application for revival of the proceedings in the above said FIR, in case the terms and conditions of settlement between the parties are not adhered to by the petitioner(s) or it is found that the settlement was a mere ruse to have the aforesaid FIR quashed.

August 23, 2017
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No