

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

Criminal Misc. No. M- 28406 of 2016

Date of Decision: February 28 , 2017.

Savinder Sharma

..... PETITIONER(s)

Versus

State of Punjab and another

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. A.S.Syan, Advocate
for the petitioner.

Mr. Arjinder Singh Sidhu, AAG, Punjab.

Mr. Ravinder Singh Rana, Advocate
for respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.88 dated 21.06.2014 under Section 498A IPC registered at Police Station Women Cell, Patiala and all other consequential proceedings arising therefrom on the basis of a compromise arrived at between the parties.

The abovesaid FIR was registered on a complaint submitted by respondent No.2 – Smt. Simranjeet Kaur on account of matrimonial discord between the petitioner and respondent No.2.

Due to the intervention of respectables and relatives, the matter has been settled amicably between the parties. It is submitted that the petitioner

and respondent No.2 have decided to part ways. Their petition under Section 13B of the Hindu Marriage Act, 1955 has been allowed on 09.02.2017. The parties wish to live in peace and harmony and put an end to the acrimony between them.

This Court on 12.01.2017 directed the parties to appear before learned trial court on 25.01.2017 for getting their statements recorded 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 also sought as to whether all affected persons are a party to the settlement.

Pursuant to order dated 12.01.2017, the parties appeared before the learned Judicial Magistrate First Class, Patiala and their statements were recorded on 09.02.2017. Respondent No.2 made a statement to the effect that she has settled the matter amicably with the accused. The settlement has been arrived at without any fear apprehension, undue influence or coercion and out of her own free will and consent. Respondent No.2 has stated that a petition under Section 13B of the Hindu Marriage Act, 1955 has been filed and she has no objection to the quashing of the abovementioned FIR against the petitioner. Statement of the complainant's father Nirmal Singh has also been recorded in respect to the settlement between the parties. The petitioner's statement was recorded by the learned Judicial Magistrate First Class, Patiala as well.

As per report dated 18.02.2017 received from the learned Judicial

Magistrate First Class, Patiala it is noted that the compromise between the parties is genuine and has been executed out of their free will and consent without any kind of threat or pressure. It is stated that petitioner is the only accused in the FIR and he is not a proclaimed offender. The statements of the parties have been 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 petitioner.

Learned counsel for the State, on instructions from ASI Gurnam Singh, affirms the position as above and submits that the State has no objection to this compromise and consequent quashing of this FIR.

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 precious time of the court and would be an exercise in the futility.

This petition is, thus, allowed and FIR No.88 dated 21.06.2014

under Section 498A IPC registered at Police Station Women Cell, Patiala
alongwith all consequential proceedings are, hereby, quashed.

February 28 , 2017.
'om'

(LISA GILL)
JUDGE

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