

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

Criminal Misc. No. M- 28521 of 2016(O&M)

Date of Decision: July 7, 2017.

Neeraj Sharma PETITIONER(s)

Versus

State of Punjab and another RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Kiran Kumar, Advocate
for the petitioners.

Mr. Karambir Singh, AAG, Punjab.

None for respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.30 dated 29.02.2016 under Sections 495/498A/506 IPC registered at Police Station Division No.1, Jalandhar City and all other consequential proceedings arising therefrom on the basis of compromise dated 06.06.2016 (Annexure P2) arrived at between the parties.

The abovesaid FIR was registered at the behest of respondent No.2 due to matrimonial discord between the petitioner and 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 06.06.2016 (Annexure P2). The parties wish to live in peace and harmony and

put an end to the acrimony between them.

This Court on 07.04.2017 directed the parties to appear before learned trial court/Illaqa Magistrate for recording their statements in respect to the above-mentioned compromise. Learned trial court/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 trial court/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 07.04.2017, the parties appeared before the learned Judicial Magistrate First Class, Jalandhar and their statements were recorded on 28.04.2017. Respondent No.2 stated that the dispute has been amicably resolved with the petitioner. A decree of divorce under Section 13B of the Hindu Marriage Act, 1955 has already been granted in favour of the parties on 05.07.2016. She further stated that the compromise between the parties is genuine arrived at voluntarily out of her own free will without any kind of pressure, threat, force or coercion. Respondent No.2 further stated that she has no objection to the quashing of the abovesaid FIR qua the petitioner. Statement of the petitioner in respect to the settlement has also been recorded.

As per report dated 06.05.2017 received from the learned Judicial Magistrate First Class, Jalandhar it is opined that the settlement between the parties is genuine and not a result of any kind of pressure or coercion. The

petitioner is the sole accused and he is not a proclaimed offender. Photocopies of the statements of the parties are appended alongwith the said report.

Learned counsel for respondent No.2, Mr. Vivek Sharma Vashisht, Advocate affirmed the factum of settlement between the parties on 07.04.2017 before this Court.

Learned counsel for the State, on instructions from ASI Kulwinder Singh, 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.

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.30 dated 29.02.2016

under Sections 495/498A/506 IPC registered at Police Station Division No.1,
Jalandhar City alongwith all consequential proceedings are, hereby, quashed.

July 7 , 2017.
'om'

(**LISA GILL**)
JUDGE

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