

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

**CRM-M-27883 of 2017 (O&M)**

**Date of Decision:27.11.2017**

Lokesh Sharma

..... Petitioner

Versus

State of Punjab and another

..... Respondents

**CORAM:- HON'BLE MRS.JUSTICE LISA GILL**

Present: Mr.S.K.arya, Advocate  
for the petitioner.

Mr.Saurav Khurana, DAG, Punjab.

Mr. Anil Kumar Spehia, Advocate  
for respondent no.2.

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**LISA GILL, J(Oral).**

Prayer in this petition is for quashing of FIR No.71 dated 15.11.2016, under Sections 406, 498-A IPC, registered at Police Station Women Cell, Amritsar, along with all other consequential proceedings arising therefrom on the basis of compromise/ settlement agreement dated 27.03.2017 (Annexure P-3) arrived at between the parties.

It is submitted that the above-said FIR was registered at the instance of respondent No.2 due to matrimonial discord with her husband-petitioner. The matter was amicably resolved. The terms and conditions of settlement/agreement were reduced into writing on 27.03.2017 (Annexure P-3) before the Mediation and Conciliation Centre of this Court. Petition under Section 13-B of the Hindu

Marriage Act, 1955, it is submitted has been filed by the petitioner and respondent no.2. Their statements at first motion have been recorded and the matter is listed for 29.11.2017 for recording the statements of the parties at second motion. The petitioner undertakes to handover the rest of the settled amount to respondent no.2 on the said date. Therefore, it is prayed that this petition be allowed.

This Court on 15.09.2017 directed the parties to appear before the learned trial court for recording of 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 the petitioner is absconding/proclaimed offender and whether any other case is pending against him. Information was sought as to whether all affected persons are a party to the settlement.

Pursuant to order dated 15.09.2017, the parties appeared before the learned Chief Judicial Magistrate, Amritsar, and their statements were recorded on 28.09.2017. Respondent No.2 stated that the matter has been amicably resolved by her with the intervention of respectables. The compromise, it is stated that arrived at out of her own free will, willful consent, without any pressure or coercion. Respondent no.2 stated that she has no objection whatsoever to the quashing of the aforementioned FIR against the petitioner. The statement of the petitioner recorded. Statement of ASI Satnam Singh was recorded as well to the effect that the petitioner is the sole

accused in this case, who has not been declared to be a proclaimed offender and there is no affected person other than respondent no.2 in this case.

As per report dated 30.10.2017, received from the learned Chief Judicial Magistrate, Amritsar, it is opined that the compromise/settlement between the parties is genuine, *bona fide*, arrived at out of their free consent, without any threat, pressure or coercion. Petitioner is not reported to be proclaimed offender.

Learned counsel for respondent No.2 affirms and verifies the factum of settlement between the parties. It is reiterated that respondent No.2 has no objection to the quashing of the above-mentioned FIR against the petitioner in view of the settlement between the parties.

Learned counsel for the State, on instructions from HC Satinderpal Singh, has not raised any serious 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 above-said 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.71 dated 15.11.2016, under Sections 406, 498-A IPC, registered at Police Station Women Cell, Amritsar, along with all consequential proceedings are, hereby, quashed.

**27.11.2017**  
s.khan

**[LISA GILL]**  
**Judge**

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.