

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

CRM-M-28911 of 2016 (O&M)

Date of Decision:07.11.2017

Baljeet Singh and others

..... Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr.J.S.Sandhu, Advocate
for the petitioners.

Mr. Saurav Khurana, DAG, Punjab.

Mr. R.S.Gill, Advocate
for respondent no.2.

LISA GILL, J(Oral).

Prayer in this petition is for quashing of FIR No. 25 dated 05.06.2016, under Sections 498-A, 406 IPC, registered at Police Station Women, District Bathinda, along with all other consequential proceedings arising therefrom on the basis of compromise dated 13.06.2016 (Annexure P2) arrived at between the parties.

The above-said FIR was registered at the instance of respondent No.2 due to matrimonial discord with her husband i.e. Petitioner No.1. The matter was amicably resolved. The terms and conditions of settlement were reduced into writing on 13.06.2016 (Annexure P-2).

It is informed that petition under Section 13-B of the

Hindu Marriage Act, 1955, filed by petitioner no.1 and respondent no.2 has since been allowed on 10.01.2017 by the learned District Judge, Bathinda and the entire settled amount has been handed over to respondent no.2.

This Court on 25.08.2017 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 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 25.08.2017, the parties appeared before the learned Judicial Magistrate First Class, Bathinda and their statements were recorded on 09.09.2017. Respondent No.2 stated that she has amicably resolved the matter with both the accused-petitioners. The settlement has been arrived at without any threat, inducement, coercion or pressure. It is further stated by respondent No.2 that divorce by mutual consent has been granted on 10.01.2017 by learned District Judge, Bathinda. Respondent No.2 stated that she has no objection to the quashing of the above-said FIR against the petitioners. Joint statement of the parties in respect to the compromise was also recorded.

As per report dated 13.09.2017, received from the

learned Judicial Magistrate First Class, Bathinda, it is opined that the settlement between the parties is genuine, voluntary, arrived at out of the free will of the parties and without any coercion or undue influence. None of the petitioners is reported to be a proclaimed offender. Joint statement of the parties are appended along with 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 above-mentioned FIR against the petitioners in view of the settlement between the parties.

Learned counsel for the State submits that as the above-said 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 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. 25 dated 05.06.2016, under Sections 498-A, 406 IPC, registered at Police Station Women, District Bathinda, along with all consequential proceedings are, hereby, quashed.

07.11.2017
s.khan

[LISA GILL]
Judge

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.