

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

CRM No. M-28954 of 2016

Date of decision: 03.04.2017

Deepak Kumar and others **Petitioners.**

Versus

State of Punjab and another **Respondents.**

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Karan Jund Mullanpur, Advocate, for the petitioners.

Mr. K.D. Sachdeva, Addl. A.G., Punjab.

Mr. R.S.Duggal, Advocate, for respondent No.2.

LISA GILL, J.

This petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of FIR No. 18 dated 14.04.2016 (**Annexure P-1**) registered under Sections 406,498-A,323,34 of the Indian Penal Code (for short 'IPC') at Police Station Mullanpur Garibdass, District SAS Nagar on the basis of an amicable settlement (**Annexure P-2**) arrived at between the parties.

The above said FIR was registered on the statement of respondent No. 2-Smt. Preeti Verma due to matrimonial discord between her and her husband-petitioner No.1.

With the intervention of respectables, elders and relatives, the matter has been amicably resolved between the parties. It is submitted that petitioner No.1 and respondent No.2 have decided to part ways. A 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 07.02.2017.

This Court on 19.01.2017 directed the parties to appear before the learned trial Court/Area Magistrate on 01.02.2017 for recording their statements in respect to the above-mentioned compromise. Learned trial

court/Area 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/Area Magistrate was directed to intimate whether the petitioners are proclaimed offenders and whether any other case is pending against them. Information was sought as to whether all affected persons are party to the settlement.

Pursuant to order dated 19.01.2017, the parties appeared before the learned Judicial Magistrate 1st Class, Kharar and their statements were recorded on 06.02.2017. Respondent No.2-Smt. Preeti Verma has stated that a settlement has been arrived at between the parties. It has been arrived at out of her own free will, sound disposing mind, without any kind of undue pressure from any quarter. It is mentioned that a petition under Section 13- B of the Hindu Marriage Act has been filed. Respondent No. 2 has stated that there is no objection in case the above mentioned FIR against all the petitioners is quashed. Joint statement of all the petitioners in respect to the settlement was recorded.

As per report dated 13.02.2017, submitted by the learned Judicial Magistrate 1st Class, Kharar, it is opined that the compromise between the parties is genuine, voluntary and arrived at out of free will of the parties. None of the petitioners, who are the accused, are proclaimed offenders.

Learned counsel for the complainant/respondent No.2 affirms and verifies the factum of settlement between the parties. It is stated that respondent No. 2 has no objection, whatsoever, to the quashing of the above mentioned FIR qua all the petitioners.

Learned counsel for the State on instructions from ASI Avtar Singh, Police Station Mullanpur, Garibdass submits that the present being a matrimonial dispute, the State has no objection to the quashing of this FIR on the basis of a settlement 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.

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 continuance of the present proceedings. It will only lead to wastage of precious time of the court and would be an exercise in futility.

This petition is, thus, allowed and FIR No. 18 dated 14.04.2016 registered under Sections 406,498-A,323,34 of the IPC at Police Station Mullanpur Garibdass, District SAS Nagar alongwith all consequential proceedings arising therefrom are hereby quashed.

03.04.2017

PA

(LISA GILL)
JUDGE

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