

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

Criminal Misc. M- No. 28992 of 2016 (O&M)

Date of decision : July 20, 2017

Ajmer Singh and another

.....Petitioners

Versus

State of Punjab and another

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Kawaljyot Singh, Advocate
for the petitioners.

Mr. Karambir Singh, AAG, Punjab..

Mr.P.K. Chugh, Advocate
for respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No. 51 dated 25.03.2016 registered under Sections 406 and 498A of the Indian Penal Code ('IPC' – for short) at Police Station Phillaur, District Jalandhar and all other consequential proceedings arising therefrom on the basis of a compromise arrived at between the parties.

The abovesaid FIR was registered at the behest of respondent No.2 due to matrimonial discord with her husband i.e. petitioner No.1. With the intervention of respectables and relatives, a compromise has been arrived at between the parties. Affidavit dated 11.08.2016 of respondent No. 2 in respect to the compromise is annexed as Annexure P-2. It is informed that petition under Section 13B of Hindu Marriage Act, 1955

preferred by respondent No. 2 and her husband – petitioner No. 1 has since been allowed on 20.03.2017. A photocopy of order dated 20.03.2017 filed in Court today is taken on record subject to exceptions. The parties wish to live in peace and harmony and put an end to the acrimony between them. The present petition has been filed on the basis of this compromise.

This Court on 02.05.2017 directed the parties to appear before learned trial court/Illaq Magistrate for recording their statements in respect to the above-mentioned compromise. Learned trial court/Illaq 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/Illaq 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 02.05.2017, the parties appeared before the learned Sub Divisional Judicial Magistrate, Phillaur and their statements were recorded on 12.05.2017. Respondent No.2 stated that the matter has been amicably resolved with both the accused persons. The settlement has been arrived at out of her own free will, without any coercion and undue influence. The compromise, it is stated, is genuine and voluntary. Respondent No.2 further stated that she has no objection to the quashing of the abovesaid FIR qua both the petitioners. Statements of the petitioners in respect to the settlement was recorded.

As per report dated 22.05.2017 received from the learned Sub Divisional Judicial Magistrate, Phillaur, it is opined that the settlement

between the parties has been arrived at out of their own free will, without any coercion and undue influence. None of the petitioners are proclaimed offenders. The statements of the parties are 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 both the petitioners.

Learned counsel for the State 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. 51 dated 25.03.2016 registered under Sections 406 and 498A IPC at Police Station Phillaur, District Jalandhar alongwith all consequential proceedings are, hereby, quashed.

July 20, 2017
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No