

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

**CRM No. M-2824 of 2017
Date of decision: 18.05.2017**

Harjit Singh

..... Petitioner.

Versus

State of Punjab and another

..... Respondents.

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Ms. Anita Sharma, Advocate, for
Mr. Bhriugu Dutt Sharma, Advocate, for the petitioner.

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

Mr. Pawan Sharma, 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. 107 dated 19.08.2016 (**Annexure P-1**) registered under Sections 406,498-A and 323 of the Indian Penal Code (for short 'IPC') at Police Station Women, District Jalandhar and all other consequential proceedings arising therefrom on the basis of an amicable settlement (**Annexure P-2**) arrived at between the parties.

The above said FIR was registered at the behest of respondent No. 2-Smt. Manjeet Kaur. The dispute arose between the parties because of matrimonial discord between the petitioner and respondent No.2.

With the intervention of respectables, elders and relatives, the matter has been amicably resolved between the parties. It is informed that the parties are now living together at their matrimonial home. The terms and conditions of the compromise were reduced into writing on 12.01.2017. The compromise is on record of this petition as Annexure P-2.

This Court on 22.03.2017 directed the parties to appear before the learned Illaqa Magistrate/trial Court on 07.04.2017 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 Illaqa Magistrate/trial court was directed to intimate whether the petitioner is a proclaimed offender and whether any other case is pending against him.

Pursuant to order dated 22.03.2017, the parties appeared before the learned Judicial Magistrate 1st Class, Jalandhar and their statement were recorded on 07.04.2017. Respondent No.2-Smt. Manjit Kaur has stated that she has amicably resolved the matter with her husband, the petitioner. She is residing at her matrimonial home along with her husband. The settlement has been arrived at out of her own free will, without any pressure, threat or undue influence. Respondent No. 2 has stated that she has no objection, whatsoever, to the quashing of the aforementioned FIR against the petitioner. Statement of the petitioner in respect to the settlement was recorded.

As per report dated 24.04.2017, submitted by the learned Judicial Magistrate 1st Class, Jalandhar, it is opined that the compromise between the parties is genuine, arrived at without any force or pressure. The petitioner, it is stated is not a proclaimed offender and neither are any such proceedings pending against him.

Learned counsel for the complainant/respondent No.2 reaffirms 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 the petitioner.

Learned counsel for the State on instructions from HC Jarnail Singh, Police Station Women, Jalandhar 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. 107 dated 19.08.2016 registered under Sections 406,498-A and 323 of the IPC at Police Station Women, District Jalandhar alongwith all consequential proceedings arising therefrom are hereby quashed. However, liberty is afforded to respondent No. 2 to file necessary application for revival of the proceedings in the above said FIR, in case the terms and conditions of settlement between the parties are not adhered

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to by the petitioner or it is found that the settlement was a mere ruse to have the aforesaid FIR quashed.

(LISA GILL)
JUDGE

18.05.2017
PA

Whether speaking/reasoned : *Yes/No.*

Whether reportable : *Yes/No.*