

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

CRM-M-29174-2016

Date of decision: 20.02.2017

Amarr Virk and others

..... Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Ms. Saumya Ahluwalia, Advocate,
for Mr. Sandeep Gahlawat, Advocate,
for the petitioners.

Mr. K.D.Sachdeva, Additional Advocate General, Punjab,
for respondent No.1.

Ms. Amandeep Kaur, Advocate,
or respondent No.2.

LISA GILL, J. (ORAL)

1. Prayer in the present petition filed under Section 482 of the Code of Criminal Procedure is for quashing of FIR No.28 dated 14.05.2015 registered under Sections 420, 406 and 498-A of the Indian Penal Code (for short 'IPC') at Police Station Women Police, District Patiala, and all other consequential proceedings arising therefrom, on the basis of an amicable settlement arrived at between the parties. The terms and conditions of the settlement were reduced into writing on 15.06.2016 (Annexure P-2).

2. The above-said FIR was registered on the basis of a complaint submitted by S. Sadha Singh Virk, i.e., father of Smt. Navdeep Virk-respondent No.2. The FIR was the outcome of matrimonial discord between petitioner No.1 and respondent No.2. With the intervention of the respectables, elders and friends, the matter has been amicably settled

between the parties and they do not want to continue with the present proceedings.

3. Learned counsel for the petitioner submits that the petition under Section 13-B of the Hindu Marriage Act, 1955, filed by petitioner No.1 and respondent No.2 was allowed on 20.01.2017 by the learned Additional District Judge, Patiala. A copy of the said order has been produced in Court today. The same is taken on record subject to just exceptions.

4. Respondent No.2 is presently living in Australia. She is duly represented through her Special Power of Attorney, i.e., her father S. Sadha Singh. It is submitted that he is authorized to make a statement on her behalf. It is to be noted that S. Sadha Singh is the complainant in this case.

5. Pursuant to order dated 19.12.2016, the parties appeared before the learned Judicial Magistrate Ist Class, Patiala, on 19.01.2017. The complainant, i.e., the father of Smt. Navdeep Virk has stated that the present petition was registered on his complaint. His daughter Navdeep Virk is residing in Australia for the last 7 to 8 years. The matter has been settled with the accused/petitioners voluntarily without any kind of pressure, threat or coercion. It is further submitted that he has no objection to the quashing of the above-said FIR registered against all the accused persons. Joint statement of all the accused persons was also recorded.

6. As per report dated 13.02.2017 submitted by the learned Judicial Magistrate Ist Class, Patiala, it is noted that the compromise entered into between the parties is genuine and has been executed between the parties out of their own free will and volition and without any threat and pressure. None of the petitioners is a proclaimed offender.

7. Learned counsel for respondent No.2/complainant verifies and affirms the factum of settlement arrived at between the parties and states that respondent No.2 shall be bound by the statement made by her father and she has no objection whatsoever to the quashing of above mentioned FIR registered against the petitioners. The complainant also does not have any objection to the quashing of this FIR in view of the settlement between the parties.

8. Learned counsel for the State, on instructions from HC Neela Ram, Police Station Women, City, Jalandhar, submits that the present being a matrimonial dispute the State has no objection to the quashing of this FIR on the basis of the settlement between the parties.

9. 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”.

10. In view of the above, it would be in the interest of justice to quash the above-said FIR as no useful purpose would be served by continuing the present proceedings. It will only lead to wastage of the precious time of the court and would be an exercise in futility.

11. This petition is, thus, allowed and FIR No.28 dated 14.05.2015 registered under Sections 420, 406 and 498-A IPC at Police Station Women

Police, District Patiala, and all other consequential proceedings arising therefrom are, hereby, quashed.

(LISA GILL)
JUDGE

20.02.2017
adhikari

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