

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

**CRM No. M-29451 of 2016
Date of decision: 15.03.2017**

Prabhat Singh and others

..... Petitioners.

Versus

State of Punjab and another

..... Respondents.

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Naveen Batra, Advocate, for the petitioners.

Mr. K.D. Sachdeva, AAG, Punjab.

Mr. Vikram Bali, 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. 120 dated 20.09.2015 (**Annexure P-1**) registered under Sections 406 and 498-A of the Indian Penal Code (for short 'IPC') at Police Station Nangal, District Rupnagar 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 on an application submitted by respondent No. 2-Smt. Indu. The FIR is a fall out of matrimonial discord between petitioner No. 1- Prabhat Singh and respondent-Smt. Indu.

With the intervention of respectables, elders and relatives, the matter has been amicably resolved between the parties. Petitioner No.1 and respondent No.2 have decided to part ways. It is submitted that a petition under Section 13-B of the Hindu Marriage Act, 1955 preferred by the

parties has since been allowed on 31.01.2017. The entire amount due towards respondent No.2 has been received by her.

This Court on 27.01.2017 directed the parties to appear before the learned trial Court on 08.02.2017 for recording 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 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 27.01.2017, the parties appeared before the learned Sub Divisional Judicial Magistrate, Sri Anandpur Sahib and their statements were recorded on 08.02.2017. Respondent No.2-Smt. Indu has stated that she has amicably resolved the dispute with all the petitioners with the intervention of respectables and family members. Divorce has been granted to her and petitioner No. 1- Prabhat Singh on 31.01.2017. She has received the entire amount due to her. It is further stated that the compromise has been arrived at out of her own free will, without any undue influence, pressure or coercion. Respondent No. 2 has stated that she has no objection to the quashing of the above said FIR qua all the petitioners. Joint statement of all the petitioner in respect to the settlement was recorded.

As per report dated 28.02.2017, submitted by the learned Sub Divisional Judicial Magistrate, Sri Anandpur Sahib, it is opined that the settlement between the parties is genuine, has been arrived at voluntarily, without any undue influence, pressure or coercion. None of the five accused-

petitioners are reported to be proclaimed offenders and neither any such proceedings are pending against them.

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 all the petitioners.

Learned counsel for the State on instructions from ASI Kashmir Singh 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 continuing the present proceedings. It will only lead to wastage of the precious time of the court and would be an exercise in futility.

This petition is, thus, allowed and FIR No. 120 dated 20.09.2015 registered under Sections 406 and 498-A of the IPC at Police Station Nangal,

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District Rupnagar alongwith all consequential proceedings arising therefrom
are hereby quashed.

(LISA GILL)
JUDGE

15.03.2017

PA

Whether speaking/reasoned : *Yes/No.*

Whether reportable : *Yes/No.*