

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

**CRM No. M-30941 of 2016
Date of decision: 27.03.2017**

Nirmala Devi and another

..... Petitioners.

Versus

State of Punjab and another

..... Respondents.

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Swarn Tiwana, Advocate, for the petitioners.

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

Mr. N.S. Sidhu, Advocate, for
Mr. Amaninder Preet, 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. 189 dated 07.11.2013 (**Annexure P-1**) registered under Sections 498-A and 406 of the Indian Penal Code (for short 'IPC') at Police Station Sirhind, District Fatehgarh Sahib and all other consequential proceedings arising therefrom on the basis of an amicable settlement (**Annexure P-2**) arrived at between the parties.

It is submitted that the above said FIR was registered at the behest of respondent No. 2 on account of matrimonial discord between respondent No. 2 and her husband Om Dutt Sharma @ Sonu. It is submitted that there are four accused in this FIR. Two of them are petitioners being the mother-in-law and the sister-in-law of the complainant/respondent No.2- Tania. Accused Om Dutt Sharma @ Sonu (husband of respondent No. 2) and Laldeep, husband of petitioner No.2 (brother-in-law of respondent No.2) are living abroad. With the intervention of respectables, elders and

relatives, the matter has been amicably resolved between the parties. Respondent No. 2 does not wish to proceed with the above mentioned FIR against the petitioners. It is submitted that there is no impediment to the quashing of the said FIR against the petitioners.

This Court on 30.01.2017 directed the parties to appear before the learned trial Court on 13.02.2017 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.

Pursuant to order dated 30.01.2017, the parties appeared before the learned Additional Chief Judicial Magistrate, Fatehgarh Sahib and their statements were recorded on 13.02.2017. Joint statement of the complainant/respondent No.2- Tania and her father namely, Rajesh Kumar was recorded. They have stated that the matter has been compromised with the accused persons. Istri-dhan of respondent No. 2 has been received by her as well as all amounts due-past, present and future. The terms and conditions of the settlement were reduced into writing on 21.08.2016. It is stated by them that the settlement has been arrived at out of their own free will and consent, without any kind of pressure or undue influence. Furthermore they have no objection in case the above said FIR is quashed qua the accused persons. It is further stated by them that they do not wish to pursue the proceedings against the other accused namely, Om Dutt and Lal Deep as well though they are

proclaimed offenders in this case. Joint statement of the petitioners in respect to the settlement was recorded.

As per report dated 09.03.2017, submitted by the learned Additional Chief Judicial Magistrate, Fatehgarh Sahib, it is opined that the settlement between the parties is genuine and has been arrived at voluntarily without any kind of pressure threat or coercion of any kind.

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 against the accused-petitioners.

Learned counsel for the State on instructions from ASI Harjeet Singh submits that the present being a matrimonial dispute, the State has no objection to the quashing of this FIR against the petitioners 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.

It has been held in *Parambir Singh Gill Vs. Malkiat Kaur* 2010

(1) R.C.R. (Criminal) 256, that an FIR qua one or some of accused can be quashed in exercise of inherent power under Section 482 Cr.P.C.

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. 189 dated 07.11.2013 (**Annexure P-1**) registered under Sections 498-A and 406 of the IPC at Police Station Sirhind, District Fatehgarh Sahib alongwith all consequential proceedings arising therefrom are hereby quashed qua the petitioners.

(LISA GILL)
JUDGE

27.03.2017
PA

Whether speaking/reasoned : *Yes/No.*

Whether reportable : *Yes/No.*