

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

CRM No. M-30947 of 2016

Date of decision: 07.04.2017

Deepak Kumar and another **..... Petitioners.**

Versus

State of Punjab and another **..... Respondents.**

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. G.P.S. Pathania, Advocate, for the petitioners.

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

Mr. Amit Babbar, 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. 113 dated 10.11.2012 (**Annexure P-1**) registered under Sections 498-A, 406 and 506 of the Indian Penal Code (for short 'IPC') at Police Station Kanwan, District Pathankot and all other consequential proceedings arising therefrom on the basis of an amicable settlement (**Annexure P-3**) arrived at between the parties.

The above said FIR was registered at the behest of respondent No. 2-Smt. Ritu Bala. The dispute arose between the parties because of matrimonial discord between petitioner No. 1 and respondent No.2.

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. The terms and conditions of the compromise were reduced into writing on 11/12.05.2016. The compromise is on record of this petition as Annexure P-3. It is informed that a petition under Section 13- B of the Hindu Marriage Act, preferred by petitioner No.1 and respondent No. 2, has since been allowed on 16.05.2016.

This Court on 01.03.2017 directed the parties to appear before the learned trial Court 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 01.03.2017, the parties appeared before the learned Chief Judicial Magistrate, Pathankot and their statements were recorded on 23.03.2017. Respondent No.2-Smt. Ritu Bala has stated that she has compromised the matter with both the accused-petitioners, out of her own free will, without any pressure or coercion. It is further stated by respondent No. 2 that she has no objection if the above said FIR and all consequential proceedings therefrom qua the petitioners are quashed. Joint statement of both the petitioners in respect to the settlement was recorded.

As per report dated 28.03.2017, submitted by the learned Chief Judicial Magistrate, Pathankot it is opined that the compromise between the parties is genuine, voluntary, arrived at without any coercion or undue influence. The accused-petitioners are not proclaimed offenders and neither are any such proceedings pending against them.

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 qua both the petitioners.

Learned counsel for the State on instructions from HC Balbir 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 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. 113 dated 10.11.2012 registered under Sections 498-A, 406 and 506 of the IPC at Police Station Kanwan, District Pathankot alongwith all consequential proceedings arising therefrom are hereby quashed.

(LISA GILL)
JUDGE

07.04.2017

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