

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

Criminal Misc. No. M- 30145 of 2017(O&M)

Date of Decision: November 24 , 2017.

Amandeep Singh @ Ashu Rajput and another PETITIONER(s)

Versus

State of Punjab and another RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Ms. Manpreet Kaur, Advocate for
Mr. Gursimran Singh Bawa, Advocate
for the petitioners.

Mr. Saurav Khurana, DAG, Punjab.

Mr. N.S.Gill, Advocate for
Mr. K.S.Lakhanpal, Advocate
for respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.138 dated 03.10.2014 under Section 498A IPC registered at Police Station B-Division, District Amritsar City and all other consequential proceedings arising therefrom on the basis of a compromise arrived at between the parties.

The abovesaid FIR was registered at the instance of respondent No.2 due to matrimonial discord with her husband i.e., petitioner No.1. With the intervention of respectables and relatives, a compromise was arrived at between the parties. Petitioner No.1 and respondent No.2 decided to part ways.

It is informed that that petition under Section 13B of the Hindu Marriage Act, 1955 filed by petitioner No.1 and respondent No.2 has since been allowed on 07.07.2017.

This Court on 19.09.2017 directed the parties to appear before learned Illaqa Magistrate for recording their statements in respect to the above-mentioned compromise. Learned 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 was also directed to intimate whether any of the petitioners are absconding/proclaimed offenders and whether any other case is pending against them. Information was sought as to whether all affected persons are a party to the settlement.

Pursuant to order dated 19.09.2017, the parties appeared before the learned Judicial Magistrate First Class, Amritsar and their statements were recorded on 01.11.2017. Respondent No.2 stated that the matter has been compromised by her with both the accused persons out of her own free will, without any undue influence, pressure or coercion. It is stated that petition under Section 13B of the Hindu Marriage Act, 1955 was allowed 07.07.2017. Respondent No.2 stated that she has no objection in case the abovesaid FIR against the accused petitioners is quashed. Statements of the petitioners in respect to the settlement were recorded as well.

As per report dated 03.11.2017 received from the learned Judicial Magistrate First Class, Amritsar, it is opined that the settlement between the parties has been arrived at out of their free will, without any kind of pressure, duress, inducement or threat. None of the petitioners are reported to be

proclaimed offenders. Statements of the parties are appended alongwith the said report.

Learned counsel for respondent No.2 reaffirms and verifies the factum of settlement between the parties. It is reiterated that respondent No.2 has no objection to the quashing of the abovementioned FIR against all the petitioners.

Learned counsel for the State submits that as the abovesaid FIR arises out of a matrimonial dispute, the State has no objection to the quashing of the FIR in question as well as all consequential proceedings on the basis of a settlement arrived at 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.

Keeping in view the facts and circumstances of this case, 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 merely lead to wastage of precious time of the court and would be an exercise in futility.

This petition is, thus, allowed and FIR No.138 dated 03.10.2014

under Section 498A IPC registered at Police Station B-Division, District Amritsar City alongwith all consequential proceedings are, hereby, quashed.

November 24 , 2017.
'om'

(LISA GILL)
JUDGE

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