

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

Criminal Misc. No.M- 30369 of 2017 (O&M)

Date of decision : November 10, 2017

Davinder Singh and others

.....Petitioners

Versus

State of Punjab and another

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Jagatpal Singh Banwait, Advocate for
Mr. Sarju Puri, Advocate
for the petitioners.

Mr. Karanbir Singh, AAG, Punjab.

Mr. Vijay Kumar, Advocate for respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No. 29 dated 19.04.2017 under Sections 406, 498A IPC registered at Police Station Mukandpur, District SBS Nagar and all other consequential proceedings arising therefrom on the basis of a compromise arrived at between the parties.

At the outset, it is noted that due to a typographical mistake, in the memo of parties, respondent No. 2 – Sharanjit Kaur is reflected as daughter of Daljit singh whereas it should be 'Sharanjit Kaur wife of Daljit Singh'. Necessary correction be carried out in the memo of parties by the Registry of this Court.

The abovesaid FIR was registered at the instance of respondent No.2 due to matrimonial discord with her husband i.e., petitioner No.5.

With the intervention of respectables and relatives, a compromise has been arrived at between the parties, the terms of which were reduced into writing

on 07.07.2017 (Annexure P-2). The present petition has been filed on the basis of this compromise.

It is informed that petition under Section 13B of Hindu Marriage Act, 1955 has been filed by respondent No. 2 and petitioner No. 5. Their statements at first motion have been recorded in the said petition. The entire settled amount of ₹8 lakhs has since been received by respondent No. 2.

This Court on 21.08.2017 directed the parties to appear before learned trial court/Illaq Magistrate for recording their statements in respect to the above-mentioned compromise. Learned trial court/Illaq 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 trial court/Illaq 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 21.08.2017, the parties appeared before the learned Judicial Magistrate First Class, Shaheed Bhagat Singh Nagar and their statements were recorded on 16.10.2017. Daljit Singh (petitioner No. 5) is represented through his father and authorised power of attorney holder – Davinder Singh (petitioner No. 1). Respondent No.2 stated that the matter has been amicably resolved by her with all the accused petitioners out of her own free will and without any pressure. Respondent No.2 stated that she has no objection to the quashing of the abovesaid FIR qua the petitioners. A joint statement of the petitioners in respect to the compromise

was also recorded.

As per report dated 17.10.2017 received from the learned Judicial Magistrate First Class, Shaheed Bhagat Singh Nagar, it is opined that the compromise between the parties is genuine, voluntary, arrived at without any coercion or undue influence. None of the petitioners is reported to be a proclaimed offender. 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.

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 this FIR 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. 29 dated 19.04.2017 under Sections 406, 498A IPC registered at Police Station Mukandpur, District SBS Nagar alongwith all consequential proceedings are, hereby, quashed.

November 10, 2017
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No