

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

CRM No. M-32499 of 2016

Date of decision:01.06.2017

Rahul Suman

..... Petitioners.

Versus

U.T., Chandigarh and another

..... Respondents.

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. J.S. Bagga, Advocate, for the petitioners.

Mr. A.S. Virk, Addl. P.P., U.T., Chandigarh.

None 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. 464 dated 17.09.2014 registered under Section 66-A,66-C and 66-D of Information and Technology Act, 2000 at Police Station Sector 34, Chandigarh and all other consequential proceedings arising therefrom on the basis of an amicable settlement arrived at between the parties.

The above said FIR is a fall out of matrimonial discord between the petitioner and respondent No.2/complainant. Respondent No.2 is none other than the petitioner's wife.

With the intervention of respectables, elders and relatives, the matter has been amicably resolved between the parties. The terms and conditions of the compromise were reduced into writing on 15.06.2016. The compromise is on record of this petition as Annexure P-2. FIR No. 472 dated 19.09.2014 registered under Sections 498-A and 406 of the IPC at the behest of respondent No. 2 against the petitioner and other family members has been quashed by this Court today itself on the basis of an amicable settlement arrived at between the parties in Criminal Miscellaneous No. M-32491 of 2016. The present matter too has been amicably resolved between

the parties, who do not wish to perpetuate the discord. The petitioner and respondent No. 2, it is submitted have parted ways.

This Court on 05.04.2017 directed the parties to appear before the learned Illaqa Magistrate/trial Court on 18.04.2017 for recording their statements in respect to the above-mentioned compromise. Learned trial court/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/trial court was directed to intimate whether the petitioner is a proclaimed offender and whether any other case is pending against him.

Pursuant to order dated 05.04.2017, the parties appeared before the learned Judicial Magistrate 1st Class, Chandigarh and their statements were recorded on 18.04.2017. Respondent No.2-Smt. Bandana Kumari stated that the matter has been amicably resolved with the accused-petitioner. The settlement has been arrived at out of her own free will, without any threat or coercion due to intervention of respectables of both sides. Respondent No. 2 has further stated that she has no objection to the quashing of the above said FIR. Statement of the petitioner in respect to the settlement was recorded.

As per report dated 18.04.2017, submitted by the learned Judicial Magistrate 1st Class, Chandigarh, the settlement between the parties is opined to be genuine, arrived at voluntarily, without any undue influence, coercion or pressure. The accused is not a proclaimed offender and neither are any such proceedings pending against him.

Mr. Naveen Kumar, Advocate, appeared on behalf of respondent No. 2 on 05.04.2017. He affirmed and verified the factum of settlement between the parties.

Learned counsel for the State on instructions from ASI Satinder Kumar, Cyber Cell, submits that in the present factual matrix, where the dispute stems primarily from matrimonial discord, 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”.

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. 464 dated 17.09.2014 registered under Section 66-A, 66-C and 66-D of the Information and Technology Act, 2000 at Police Station Sector 34, Chandigarh alongwith all consequential proceedings arising therefrom are hereby quashed.

01.06.2017

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(LISA GILL)
JUDGE

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