

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

Criminal Misc. M- No. 32688 of 2016 (O&M)

Date of decision : May 22, 2017

Devinder Singh and others

.....Petitioners

Versus

State of Punjab and others

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Vinay Puri, Advocate
for the petitioners.

Mr. K.D. Sachdeva, Additional AG, Punjab.

Mr. Puneet Singla, Advocate
for respondent No. 4.

LISA GILL, J.

This petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of FIR No. 159 dated 20.12.2013 (**Annexure P-1**) registered under Sections 498-A and 34 of the Indian Penal Code (for short 'IPC') at Police Station Anandpur Sahib, District Rupnagar and all other consequential proceedings arising therefrom on the basis of an amicable settlement arrived at between the parties.

The above said FIR was registered at the behest of respondent No. 4 – Sumita Rani. The dispute arose between the parties because of matrimonial discord between respondent No. 4 and her husband – petitioner

No. 1.

It is submitted that there were four accused in this case. One of them, Sanjay Kumar has since passed away. Therefore, this petition has been preferred on behalf of the remaining three accused persons.

With the intervention of respectables, elders and relatives, the matter has been amicably resolved between the parties. Petitioner No.1 and respondent No.4 have decided to part ways. Petition under Section 13-B of the Hindu Marriage Act, 1955 has since been allowed on 29.07.2016 (Annexure P-3). The terms and conditions of the compromise were reduced into writing on 11.01.2016. The compromise is on record of this petition as Annexure P-2.

This Court on 14.02.2017 directed the parties to appear before the learned Illaqa Magistrate/trial Court 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 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 14.02.2017, the parties appeared before the learned Sub Divisional Judicial Magistrate, Sri Anandpur Sahib and their statements were recorded on 15.03.2017. Respondent No.4-Smt. Sumita Rani has stated that she has amicably resolved the entire dispute with the accused persons. The settlement between the parties is voluntary,

arrived at out of her own free will, without any undue influence and pressure. Respondent No. 4 states that she does not wish to pursue the matter any further and she has no objection if the above said FIR against all the three petitioners is quashed. Joint statement of all the three petitioners in respect to the settlement was recorded.

As per report dated 24.03.2017, submitted by the learned Sub Divisional Judicial Magistrate, Sri Anandpur Sahib, it is opined that the compromise arrived at between the parties is voluntary and has been arrived at out of the free will of the parties, without any pressure or coercion. It is further mentioned that none of the petitioners are proclaimed offenders and neither are any such proceedings pending against them.

Learned counsel for the complainant/respondent No.4 affirms and verifies the factum of settlement between the parties. It is stated that there is no impediment to the quashing of the above mentioned FIR and respondent No. 4 has no objection, whatsoever, to the quashing of the above mentioned FIR qua all the three petitioners.

Learned counsel for the State on instructions from ASI Jaspal 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. 159 dated 20.12.2013 registered under Sections 498-A and 34 of the IPC at Police Station Anandpur Sahib, District Rupnagar alongwith all consequential proceedings arising therefrom are hereby quashed.

May 22, 2017
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes

Whether reportable : Yes/No