

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

**CRM No. M-32729 of 2016
Date of decision: 24.03.2017**

Major Singh and others

..... Petitioners.

Versus

State of Punjab and another

..... Respondents.

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. P.S. Ahluwalia, Advocate, for the petitioners.

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

Mr. Rakesh Gupta, Advocate, for respondent No.2.

LISA GILL, J.

The petitioners prays for quashing of FIR No. 93 dated 14.09.2015 (**Annexure P-1**) registered under Sections 498-A and 406 of the Indian Penal Code (for short 'IPC') at Police Station Women Cell, District Patiala and all other consequential proceedings arising therefrom on the basis of settlement dated 23.05.2016 arrived at between the parties before the Mediation and Conciliation Centre of this Court.

Mr. Rakesh Gupta, Advocate files power of attorney on behalf of respondent No.2 today in Court. The same is taken on record subject to just exceptions.

The above said FIR was registered at the behest of respondent No. 2-Smt. Hina Sidhu. The dispute arose between the parties because of matrimonial discord between petitioner No. 4- Avtar Singh and respondent No.2-Hina Sidhu. It is submitted that petitioner No. 4 was not in India even at the time of registration of the above said FIR. Settlement dated 23.05.2016 reflects that it has been signed on behalf of petitioner No. 4 by

his father and Special Power of Attorney holder, Sh. Major Singh (petitioner No.1). Said Special Power of Attorney dated 09.05.2016 is on record in the Mediation proceedings.

Learned counsel for the petitioners submits that petitioner No.2-Avtar Singh shall be bound by the terms and conditions of the settlement. He shall also be bound by all acts and statements made on his behalf by his Special Power of Attorney Holder, Sh. Major Singh (petitioner No.1) and he will not raise any objection to the same.

This Court on 14.02.2017 directed the parties to appear before the learned Illaqa Magistrate/trial Court on 28.02.2017 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 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 Judicial Magistrate 1st Class, Patiala and their statements were recorded on 28.02.2017. Respondent No.2-Smt. Hina Sidhu stated that she has amicably resolved the matter with all the petitioners. The settlement has been arrived at out of her own free will, volition, without any kind of pressure, threat, coercion or undue influence. She has stated that there is no objection to the quashing of aforementioned FIR qua all the accused petitioners. It is further submitted that a decree of divorce has been granted to her and petitioner No. 4 by the learned

Additional District Judge, Patiala. Joint statement of all the petitioners (statement of petitioner No. 4 through his father being special power of attorney holder) in respect to the settlement was recorded.

As per report dated 17.03.2017, submitted by the learned Judicial Magistrate 1st Class, Patiala, it is opined that the settlement between the parties is genuine. It has been arrived at out of their own free will and consent, without any threat or pressure. None of the accused persons are proclaimed offenders and neither are any such proceedings pending.

Learned counsel for respondent No.2 reaffirms 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 all the petitioners.

Learned counsel for the State on instructions from ASI Gurdev 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. 93 dated 14.09.2015 registered under Sections 498-A and 406 of the IPC at Police Station Women Cell, District Patiala alongwith all consequential proceedings arising therefrom are hereby quashed.

(LISA GILL)
JUDGE

24.03.2017

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Whether speaking/reasoned : *Yes/No.*

Whether reportable : *Yes/No.*