

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

**Crl. Misc. No. M- 32872 of 2016(O&M)**

**Date of Decision: April 20 , 2017.**

Pawan Kumar Narula and another ..... PETITIONER(s)

**Versus**

State of Punjab and another ..... RESPONDENT (s)

**CORAM:- HON'BLE MRS.JUSTICE LISA GILL**

Present: Mr. Anil Kumar Spehia, Advocate  
for the petitioners.

Mr. Rajpreet Singh Sidhu, AAG, Punjab.

Mr. D.K.Prajapati, Advocate  
for respondent No.2.

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**LISA GILL, J.**

Prayer in this petition is for quashing of FIR No.14 dated 04.03.2012 under Sections 406/498A IPC registered at Police Station Women Cell, Jalandhar City and all other consequential proceedings arising therefrom on the basis of compromise dated 06.06.2016 (Annexure P2) arrived at between the parties.

The abovesaid FIR was registered at the behest of respondent No.2 on account of matrimonial discord between petitioner No.1 and respondent No.2. With the intervention of respectables and relatives, a compromise has been arrived at between the parties, the terms of which were reduced in writing

on 06.06.2016. The parties wish to live in peace and harmony and put an end to the acrimony between them. It is submitted that petitioner No.1 and respondent No.2 have decided to part ways. Petition under Section 13B of the Hindu Marriage Act, 1955 has been filed them.

This Court on 20.02.2017 directed the parties to appear before learned trial court on 18.03.2017 for getting their statements recorded in respect to the above-mentioned compromise. Learned trial court 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 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 also sought as to whether all affected persons are a party to the settlement.

Pursuant to order dated 20.02.2017 the parties appeared before the learned Judicial Magistrate First Class, Jalandhar and their statements were recorded on 18.03.2017. Respondent No.2 has stated that she has settled the matter amicably with both the accused-petitioners. Petition under Section 13B of the Hindu Marriage Act, 1955 has been filed by her alongwith petitioner No.1. It is stated that a compromise between the parties has been arrived at out of her own free will without any pressure, threat or undue influence Respondent No.2 has stated that she has no objection to the quashing of the abovesaid FIR qua the petitioners. Statements of both the petitioners were also recorded.

As per report dated 30.03.2017 received from the learned Judicial Magistrate First Class, Jalandhar it is opined that the compromise between the

parties is genuine, voluntary and arrived at without any force or pressure. None of the petitioners are proclaimed offenders and neither are any such proceedings pending against them. Photocopies of the statements of the parties have been 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, on instructions from SI Kulwant Kaur, 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 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.14 dated 04.03.2012 under Sections 406/498A IPC registered at Police Station Women Cell, Jalandhar City alongwith all consequential proceedings are, hereby, quashed.

April 20 , 2017.  
'om'

**( LISA GILL )**  
**JUDGE**

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