

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

Criminal Misc. No.M- 32491 of 2017 (O&M)

Date of decision : September 26, 2017

Harpreet Singh and others

.....Petitioners

Versus

State of Punjab and another

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Ankur Bansal, Advocate
for the petitioners.

Mr. Karanbir Singh, AAG, Punjab.

Mr. Gulzar Mohd., Advocate
for respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No. 15 dated 25.02.2015 under Sections 406, 498A, 354 IPC registered at Police Station Women Cell, Jalandhar as well as order dated 01.09.2015 and all other consequential proceedings arising therefrom on the basis of a compromise arrived at between the parties.

The abovesaid FIR was registered at the behest of respondent No.2 due to matrimonial discord with her husband i.e. petitioner No.1. 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 13.07.2017 (Annexure P-3). The present petition has been filed on the basis of this compromise.

Learned counsel for the petitioners submits that order dated

01.09.2015 has been passed in violation of the provisions of law as petitioner No. 1 has not visited India since 15.11.2013.

This Court on 04.09.2017 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 without any pressure or undue influence.

Pursuant to order dated 04.09.2017, the parties appeared before the learned Chief Judicial Magistrate (NRI cases), Jalandhar and their statements were recorded on 16.09.2017. Respondent No.2 stated that the matter has been amicably resolved with all the accused petitioners. Petition under Section 13B of Hindu Marriage Act, 1955 is stated to be filed. The compromise, it is stated, has been arrived at voluntarily, without any influence or pressure from any quarter. Respondent No.2 stated that she has no objection to the recording of the statement of her husband – Karpreet Singh through his Power of Attorney Holder – Baldev Singh. She has no objection to the quashing of the abovesaid FIR subject to the petitioners remitting the balance amount of ₹8.5 lakhs. Statements of the petitioners in respect to the compromise were also recorded.

As per report dated 21.09.2017 received from the learned Chief Judicial Magistrate (NRI Court), Jalandhar, it is opined that the compromise between the parties is genuine and voluntary. Statement of the petitioner – Harpreet Singh was recorded through his Power of Attorney Holder – Baldev Singh (his father as well). Petitioner No. 1 undertakes to be bound by all acts and statements made by his Power of Attorney holder on his

behalf. None of the petitioners except petitioner No. 1 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 as well as order dated 01.09.2015 subject to strict adherence to the terms and conditions of the settlement by the petitioners.

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. 15 dated 25.02.2015 under Sections 406, 498A, 354 IPC registered at Police Station Women Cell, Jalandhar as well as order dated 01.09.2015 alongwith all consequential proceedings are, hereby, quashed.

However, liberty is afforded to respondent No.2 to file necessary application for revival of the proceedings in the above said FIR, in case the terms and conditions of settlement between the parties are not adhered to by the petitioner(s) or it is found that the settlement was a mere ruse to have the aforesaid FIR quashed.

September 26, 2017
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No