

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

Criminal Misc. No. M- 33032 of 2017(O&M)

Date of Decision: November 21 , 2017.

Naresh Kumar and others PETITIONER(s)

Versus

State of Punjab and another RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Krishan Sehajpal, Advocate
for the petitioners.

Mr. Saurav Khurana, DAG, Punjab.

Ms. Kaavya Jariyal, Advocate
for respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.103 dated 03.07.2016 under Sections 406/498A IPC registered at Police Station Sadar Jalandhar 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 instance 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 was arrived at between the parties, the terms of which were reduced into writing on 10.03.2016 (Annexure P2). Petitioner No.1 and respondent No.2 decided to part ways.

It is informed that petition under Section 13B of the Hindu Marriage Act, 1955 filed by petitioner No.1 and respondent No.2 was allowed on 03.04.2017 (Annexure P3) and the entire settled amount has been handed over to respondent No.2.

This Court on 08.09.2017 directed the parties to appear before learned trial court/Illaqa Magistrate 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 trial court/Illaqa Magistrate 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 sought as to whether all affected persons are a party to the settlement.

Pursuant to order dated 08.09.2017, the parties appeared before the learned Judicial Magistrate First Class, Jalandhar and their statements were recorded on 18.09.2017. Respondent No.2 stated that the matter has been amicably resolved by her with the accused petitioners. The settlement, it is stated, has been arrived at out of her own free will, without any threat, coercion, inducement or pressure. It is mentioned that petition under Section 13B of the Hindu Marriage Act, 1955 was allowed on 03.04.2017 (Ex.PA). Respondent No.2 further stated that she has no objection in case the abovesaid FIR against the accused petitioners is quashed. Statements of the petitioners in respect to the settlement were recorded as well.

As per report dated 12.10.2017 received from the learned Judicial

Magistrate First Class, Jalandhar, it is opined that the compromise between the parties is genuine, arrived at between them without any undue influence or coercion from any quarter. None of the three petitioners are reported to be proclaimed offenders. 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 submitted that the entire settled amount has been received by respondent No.2. 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 HC Gurmeet Singh, submits that as the abovesaid FIR arises out of a matrimonial dispute, the State has no objection to the quashing of the FIR in question as well as all consequential proceedings 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.103 dated 03.07.2016 under Sections 406/498A IPC registered at Police Station Sadar Jalandhar alongwith all consequential proceedings are, hereby, quashed.

November 21 , 2017.
'om'

(**LISA GILL**)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No