

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

Criminal Misc. No. M- 34003 of 2016(O&M)

Date of Decision: September 14 , 2017.

Malkiat Kaur

..... PETITIONER(s)

Versus

State of Punjab and another

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Sunil Kumar Sharma, Advocate
for the petitioner.

Mr. Karanbir Singh, AAG, Punjab.

Ms. Archana, Advocate for
Mr. Amit Shukla, Advocate
for the complainant/respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.145 dated 09.12.2015 under Sections 406/498A IPC registered at Police Station Bullowal, Hoshiarpur and all other consequential proceedings arising therefrom on the basis of a compromise arrived at between the parties.

It is informed that the abovesaid FIR has been quashed qua the co-accused – Gurdeep Singh i.e., the complainant's husband, by this Court on 02.12.2016 in CRM No.M-12958 of 2016. The petitioner is the complainant's mother-in-law.

The aforementioned FIR was registered at the instance of respondent

No.2 due to matrimonial discord with her husband i.e., petitioner's son. The matter has been compromised between the parties with the intervention of respectables and relatives. The parties wish to live in peace and harmony and put an end to the acrimony between them. It is informed that the complainant/respondent No.2 is now living happily in her matrimonial home alongwith her husband and in-laws.

This Court on 12.07.2017 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 accused 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 12.07.2017, the parties appeared before the learned Judicial Magistrate First Class, Hoshiarpur and their statements were recorded on 25.07.2017. Respondent No.2 stated that the matter was amicably resolved between her, her husband and her mother-in-law i.e., the present petitioner. The compromise has been arrived at out of her own free will, without any pressure, fear or threat. Respondent No.2 disclosed that she was residing at her matrimonial home. It is further stated that she has no objection in case the abovesaid FIR is quashed against the accused petitioner. The FIR was registered against the petitioner and her son only. Statement of the petitioner in respect to

the settlement was recorded as well.

As per report dated 27.07.2017 received from the learned Judicial Magistrate First Class, Hoshiarpur, it is opined that the compromise between the parties is genuine and voluntary, arrived at out of their free will without any pressure or coercion. The petitioner is not 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 against the petitioner.

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.145 dated 09.12.2015 under Sections 406/498A IPC registered at Police Station Bullowal, Hoshiarpur 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 or it is found that the settlement was a mere ruse to have the aforesaid FIR quashed.

September 14 , 2017.
'om'

(LISA GILL)
JUDGE

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