

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

CRM No. M-34158 of 2016

Date of decision: 18.04.2017

Harjinder Singh and others **Petitioners.**

Versus

State of Punjab and another **Respondents.**

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Aminder Singh, Advocate, for the petitioners.

Mr. Rajpreet Singh Sidhu, AAG, Punjab.

Mr. A.S. Sandhu, Advocate, for respondent No.2.

LISA GILL, J.

This petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of FIR No. 173 dated 26.08.2016 (**Annexure P-1**) registered under Sections 498-A, 406, 323, 34 of the Indian Penal Code (for short 'IPC') at Police Station Sadar Dhuri, District Sangrur and all other consequential proceedings arising therefrom on the basis of an amicable settlement (**Annexure P-2**) arrived at between the parties.

The above said FIR was registered at the behest of respondent No. 2-Smt. Harpreet Kaur. The dispute arose between the parties because of matrimonial discord between petitioner No. 1- Harjinder Singh and respondent No.2-Smt. Harpreet Kaur.

With the intervention of respectables, elders and relatives, the matter has been amicably resolved between the parties. Petitioner No.1 and respondent No.2 have decided to part ways. The terms and conditions of the compromise were reduced into writing on 12.09.2016. The compromise is on record of this petition as Annexure P-2.

This Court on 02.03.2017 directed the parties to appear before the learned Illaqa Magistrate/trial Court on 15.03.2017 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 threat, coercion or undue pressure. Learned Illaqa Magistrate/trial court was directed to intimate whether the petitioners are proclaimed offenders and whether any other case is pending against them.

Pursuant to order dated 02.03.2017, the parties appeared before the learned Judicial Magistrate 1st Class, Dhuri and their statements were recorded on 15.03.2017. Respondent No.2-Smt. Harpreet Kaur has stated that the matter has been amicably resolved with the petitioners. The settlement has been arrived at out of her own free will, without any pressure or coercion. It is stated by respondent No. 2 that an amount of Rs. 9.25 lakhs has been received by her in lieu of all her claims and a petition under Section 13- B of the Hindu Marriage Act, 1955 has also been allowed on the same date i.e. 15.03.2017. Respondent No. 2 has stated that she has no objection to the quashing of the above mentioned FIR against the petitioners. Joint statement of all the three petitioners in respect to the settlement was recorded.

As per report dated 23.03.2017, submitted by the learned Judicial Magistrate 1st Class, Dhuri, it is opined that the compromise between the parties is genuine, voluntary, without any kind of pressure or coercion. The petitioners are the three accused in the above said FIR and none of them are proclaimed offender and neither are any such proceedings pending against them.

Learned counsel for the complainant/respondent No.2 affirms 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 three petitioners.

Learned counsel for the State on instructions from HC Ram 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. 173 dated 26.08.2016 registered under Sections 498-A, 406, 323, 34 of the IPC at Police Station Sadar Dhuri, District Sangrur alongwith all consequential proceedings arising therefrom are hereby quashed.

18.04.2017

PA

(LISA GILL)
JUDGE

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