

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

**CRM No. M-34360 of 2016
Date of decision: 16.05.2017**

Satwinder Singh and others	Versus	 Petitioners.
State of Punjab and another		 Respondents.

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Parvinder Singh, Advocate, for the petitioners.
Mr. Rajpreet Singh Sidhu, AAG, Punjab.
Mr. Munish Khangwal, 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. 34 dated 11.03.2013 (**Annexure P-1**) registered under Sections 406 and 498-A of the Indian Penal Code (for short 'IPC') at Police Station Sohana, District SAS Nagar and all other consequential proceedings arising therefrom on the basis of an amicable settlement (**Annexure P-2**) arrived at between the parties before the Mediation and Conciliation Centre at Mohali, Punjab.

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

The matter has been amicably resolved between the parties before the Mediation and Conciliation Centre at Mohali, Punjab, as reflected in Annexure P-2.

This Court on 24.03.2017 directed the parties to appear before the learned Illaqa Magistrate/trial Court on 10.04.2017 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 coercion, fear or undue influence. 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 24.03.2017, the parties appeared before the learned Chief Judicial Magistrate, Mohali and their statements were recorded on 10.04.2017. Respondent No.2-Smt. Varinder Kaur has stated that all misunderstandings between the parties have been resolved. She has amicably resolved the matter with her husband and her in-laws. The settlement has been arrived at out of her own free will, without any kind of fraud, force or pressure. The complainant/respondent No. 2 has stated that she is residing at her matrimonial home with her husband and in-laws. It is stated that she does not wish to proceed with this matter any longer and she has no objection in case the above said FIR is quashed against all the petitioners. A joint statement of all the petitioners in respect to the settlement was recorded.

As per report dated 06.05.2017, submitted by the learned Chief Judicial Magistrate, Mohali, it is opined that the compromise is genuine, voluntary and arrived at without any coercion or undue influence. None of the petitioners are proclaimed offenders and neither are any such proceedings pending against them.

Learned counsel for the complainant/respondent No.2 reaffirms 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 petitioners.

Learned counsel for the State on instructions from HC Iqbal 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. 34 dated 11.03.2013 registered under Sections 406 and 498-A of the IPC at Police Station Sohana, District SAS Nagar alongwith all consequential proceedings arising therefrom are hereby quashed qua the petitioners. 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.

16.05.2017

PA

(LISA GILL)
JUDGE

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