

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

CRM No. M-34890 of 2016

Date of decision: 10.05.2017

Prem Kumar and others

..... Petitioners.

Versus

State of Punjab and another

..... Respondents.

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. T.P.S. Makkar, Advocate, for the petitioners.

Mr. K.D. Sachdeva, Addl.A.G., Punjab.

Mr. M.S. Sidhu, 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. 199 dated 13.11.2013 (**Annexure P-1**) registered under Sections 406 and 498-A of the Indian Penal Code (for short 'IPC') at Police Station City Sri Muktsar Sahib, District Sri Muktsar Sahib 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. Jyoti Rani. The dispute arose between the parties because of matrimonial discord between petitioner No. 1- Prem Kumar and respondent No.2-Jyoti Rani.

With the intervention of respectables, elders and relatives, the matter has been amicably resolved between the parties. It is submitted that petitioner No.1 and respondent No. 2 are living together in a peaceful manner. The terms and conditions of the compromise were reduced into writing on 26.09.2016. The compromise is on record of this petition as Annexure P-2.

This Court on 15.03.2017 directed the parties to appear before the learned Illaqa Magistrate/trial Court on 28.03.2017 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 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. Information was sought as to whether all affected persons are party to the settlement.

Pursuant to order dated 15.03.2017, the parties appeared before the learned Chief Judicial Magistrate, Sri Muktsar Sahib and their statements were recorded on 28.03.2017. Respondent No.2-Smt. Jyoti Rani has stated that she has amicably resolved the matter with all the accused-petitioners. The settlement has been arrived at out of her own free will, without any coercion, fraud or misrepresentation. It is stated that respondent No. 2 as well as her husband/petitioner No.1- Prem Kumar are now living together in a separate house away from other family members of petitioner No.1. It is stated by respondent No. 2 that she has no objection to the quashing of this FIR against all the petitioners. Statements of all the petitioners in respect to the settlement were also recorded.

As per report dated 29.03.2017, submitted by the learned Chief Judicial Magistrate, Sri Muktsar Sahib it is opined that the compromise arrived at between the parties is genuine, voluntary and without any threat, coercion or undue influence. None of the petitioners are proclaimed offenders and neither

are any such proceedings pending against them. All the four accused in the above said FIR are party to the present petition.

Learned counsel for the complainant/respondent No.2 affirms and reiterates 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 ASI Sukhdev Singh, Police Station City Muktsar Sahib 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. 199 dated 13.11.2013 registered under Sections 406 and 498-A of the IPC at Police Station City Sri

Muktsar Sahib, District Sri Muktsar Sahib alongwith all consequential proceedings arising therefrom 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 petitioners or it is found that the settlement was a mere ruse to have the aforesaid FIR quashed.

(LISA GILL)
JUDGE

10.05.2017
PA

Whether speaking/reasoned : *Yes/No.*

Whether reportable : *Yes/No.*