

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

Criminal Misc. No.M- 34236 of 2017 (O&M)

Date of decision : November 03, 2017

Gurmeet Singh Grewal and another

.....Petitioners

Versus

State of Punjab and another

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Yogesh Goel, Advocate
for the petitioners.

Mr. Rahul Rathore, DAG, Punjab.

Mr.G.S. Sidhu, Advocate
for respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No. 11 dated 07.01.2016 under Sections 406, 498A, 120B IPC registered at Police Station City Barnala, District Barnala 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. Settlement/agreement dated 18.08.2017 (Annexure P-2) has been arrived at between the parties before the Mediation and Conciliation Centre of this Court. The present petition has been filed on the basis of this compromise.

This Court on 15.09.2017 directed the parties to appear before learned trial court/Illaq Magistrate for recording their statements in respect

to the above-mentioned compromise. Learned trial court/Illaq 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/Illaq 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 15.09.2017, the parties appeared before the learned Judicial Magistrate First Class, Barnala and their statements were recorded on 27.09.2017. Respondent No.2 stated that the matter has been amicably resolved by her with both the petitioners. The settlement has been arrived at out of her own free will and without any pressure. The settlement was arrived at before the Mediation and Conciliation Centre of this Court. Photocopy of the same was produced before the learned Judicial Magistrate First Class, Barnala (Ex. CX). She further stated that she has withdrawn her application under Section 125 Cr.P.C. as well as Protection of Women from Domestic Violence Act. Petition under Section 13B of Hindu Marriage Act, 1955 ('the Act' – for short) is mentioned to be filed by the parties. Respondent No.2 stated that she has no objection to the quashing of the abovesaid FIR qua the petitioners. Statements of the petitioners in respect to the compromise were also recorded.

As per report dated 11.10.2017 received from the learned Judicial Magistrate First Class, Barnala, it is opined that the compromise between the parties is genuine, valid, without any coercion or undue influence from any corner. None of the petitioners is reported to be a

proclaimed offender. Statements of the parties are appended alongwith the said report.

Learned counsel for the petitioners and respondent No. 2 affirm and verify that petition under Section 13B of the Act has been filed. Statements of the parties at first motion have been recorded. Learned counsel for respondent No. 2 submits that part of the settled amount i.e. ₹15 lakhs has been received by respondent No. 2 and the rest of the amount i.e. ₹20 lakhs is to be handed over to her on 14.03.2018 at the time of recording of the statements of the parties at second motion in petition under Section 13B of the Act. It is reiterated that respondent No.2 has no objection to the quashing of the abovementioned FIR subject to strict adherence to the terms and conditions of the settlement by the petitioners.

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. 11 dated 07.01.2016 under Sections 406, 498A, 120B IPC registered at Police Station City Barnala, District Barnala 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(s) or it is found that the settlement was a mere ruse to have the aforesaid FIR quashed.

November 03, 2017
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No