

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

CRM No. M-34589 of 2014 (O&M)

Date of decision: 22.03.2017

Jagdish Kaur and others

..... Petitioners.

Versus

State of Punjab and another

..... Respondents.

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Aayush Gupta, Advocate, for the petitioners.

Mr. Rajpreet Singh Sidhu, AAG, Punjab

Mr. J.S. Lalli, Advocate, for respondent No.2.

LISA GILL, J.

CRM No. 9447 of 2017

Application is allowed. Compromise deed dated 17.11.2016

(**Annexure P-7**) is taken on record subject to just exceptions.

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This petition under Section 482 of the Code of Criminal Procedure has been filed by the petitioners for quashing of FIR No. 09 dated 10.01.2014 (**Annexure P-1**) registered under Sections 406 and 498-A of the Indian Penal Code (for short 'IPC') at Police Station Women, Ludhiana and all other consequential proceedings arising therefrom.

The above said FIR was registered at the behest of respondent No. 2-Smt. Jaspreet Kaur, who unfortunately lost her husband on 01.03.2011.

During the pendency of this petition, with the intervention of respectables, elders and relatives, the matter has been amicably resolved

between the parties. They wish to live in peace and harmony and put an end to the acrimony between them. The terms and conditions of the settlement were reduced into writing on 17.11.2016 (Annexure P-7). It is thus submitted by the learned counsel for the petitioners that the above said FIR be quashed on the basis of aforementioned settlement arrived at between the parties.

This Court on 16.12.2016 directed the parties to appear before the learned Illaqa Magistrate/trial Court on 15.02.2017 for recording their statements in respect to the above-mentioned compromise. Learned Illaqa Magistrate/trial Court was directed to submit a report regarding the genuineness of the compromise and to intimate regarding pendency of any proclamation proceedings against the party.

Pursuant to order dated 16.12.2016, the parties appeared before the learned Judicial Magistrate 1st Class, Ludhiana and their statements were recorded on 15.02.2017. Respondent No.2-Smt. Jaspreet Kaur has stated that the matter has been amicably resolved with all the accused persons i.e. the petitioners. The terms and conditions were reduced into writing on 17.11.2016. She has given the details of the amount received by her as well as the amount received on behalf of the minor children. Respondent No. 2 has stated that she has no objection to the quashing of the aforementioned FIR against all the accused persons. The settlement is stated to be voluntary, arrived at out of her own free will, without any kind of coercion pressure or undue influence. Joint statement of all the three petitioners in respect to the settlement was recorded.

As per report dated 01.03.2017, submitted by the learned Judicial Magistrate 1st Class, Ludhiana, it is opined that the compromise arrived at

between the parties is genuine. None of the petitioners are proclaimed offenders 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. Respondent No. 2, duly identified by her counsel, is present in Court. She has reaffirmed the factum of settlement between the parties as well as the statement suffered by her before the learned Judicial Magistrate 1st Class, Ludhiana.

Learned counsel for the State on instructions from HC Surinder 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.

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This petition is, thus, allowed and FIR No. 09 dated 10.01.2014 registered under Sections 406 and 498-A of the Indian Penal Code (for short 'IPC') at Police Station Women, Ludhiana alongwith all consequential proceedings arising therefrom are hereby quashed.

(LISA GILL)
JUDGE

22.03.2017

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Whether speaking/reasoned : *Yes/No.*

Whether reportable : *Yes/No.*