

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

CRM-M-35154 of 2017 (O&M)

Date of Decision:13.12.2017

Sandeep Bharati Verma @ Manni

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Ms. Mandeep Kaur Kahlon, Advocate
for the petitioner.

Mr. Rahul Rathore, DAG, Punjab.

Mr. D.S.Kahlon, Advocate
for respondent no.2.

LISA GILL, J(Oral).

Prayer in this petition is for quashing of Criminal Complaint No. 000239/2014, Case No. 238 dated 15.10.2014, under Sections 354-A, 354-B, 452, 506, 509, 382 read with Section 120-B IPC, summoning order dated 01.08.2016 along with all other consequential proceedings arising therefrom on the basis of compromise dated 17.08.2017 (Annexure P-3) arrived at between the parties.

The above said complaint was filed by respondent no.2. It is submitted that the complaint was lodged due to certain misunderstandings which have now cleared with the intervention of respectable persons of the locality as well as relatives. The parties wish to maintain peace and harmony and put an end to the acrimony

between them. Therefore, it is prayed that this petition be allowed.

This Court on 20.09.2017 directed the parties to appear before the learned trial court for recording of their statements in respect to the above-mentioned compromise. Learned trial court 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 was also directed to intimate whether the petitioner is absconding/proclaimed offender and whether any other case is pending against him. Information was sought as to whether all affected persons are a party to the settlement.

Pursuant to order dated 20.09.2017, the parties appeared before the learned Judicial Magistrate Ist Class, Pathankot, and their statements were recorded on 12.10.2017. Respondent No.2 stated that she had instituted Criminal Complaint No. 000239/2014, Case No. 238 dated 15.10.2014 against the petitioner. However, with the intervention of respectables, the matter has been amicably resolved by her with the accused-petitioner out of her own free will and without any pressure. Respondent no.2 further stated that she has no objection in case the above said complaint is quashed on the basis of compromise (Annexure P-3), which bears not only her signatures but those of her husband as well. Statement of the accused-petitioner in respect to the settlement was recorded as well.

As per report dated 12.10.2017, received from the learned Judicial Magistrate Ist Class, Pathankot, satisfaction is expressed that the compromise between the parties is genuine, arrived

at out of the free will of the parties, without any pressure or undue influence. Petitioner is not reported to be convicted, prosecuted or declared as a proclaimed offender in any other criminal case.

Learned counsel for respondent No.2 affirms and verifies the factum of settlement between the parties. It is reiterated that respondent No.2 has no objection to the quashing of the above-mentioned complaint against the petitioner in view of the 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.

Keeping in view the facts and circumstances of this case, it would be in the interest of justice to quash the above-said complaint 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 Criminal Complaint

No. 000239/2014, Case No. 238 dated 15.10.2014, under Sections 354-A, 354-B, 452, 506, 509, 382 read with Section 120-B IPC, along with all consequential proceedings are, hereby, quashed.

13.12.2017

s.khan

[LISA GILL]
Judge

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.