

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

**CRM No. M-36616 of 2016
Date of decision: 23.02.2017**

Ankush Makkar and others

..... Petitioners.

Versus

State of Punjab and another

..... Respondents.

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Kamal Narula , Advocate for the petitioners.

Mr. Arjinder Singh Sidhu, AAG, Punjab.

Ms. Seema Arora, 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. 106 dated 17.06.2014 registered under Sections 323,324,342,506,498-A,406 and 120-B of the Indian Penal Code (for short 'IPC') at Police Station City Abohar, District Fazilka and all other consequential proceedings arising therefrom on the basis of an amicable settlement arrived at between the parties.

The above said FIR was registered on the statement of respondent No.2-Smt. Neha, who was married to petitioner No.1- Ankush Makkar, alleging commission of offences under Sections 323, 324, 342, 506, 498-A,406 and 120-B qua the petitioners.

The above said FIR arises out of matrimonial discord between petitioner No. 1 and respondent No.2. Due to the intervention of respectables, elders and friends, a compromise has been arrived at between the parties. The parties wish to live in peace and harmony and put an end to

the acrimony between them. Present petition has been filed on the basis of this compromise.

It is submitted that a petition under Section 13-B of the Hindu Marriage Act for divorce by mutual consent was filed by petitioner No.1 and respondent No. 2. The said petition has since been allowed.

This Court on 01.12.2016 had directed the parties to appear before the learned trial court/Illaq Magistrate on 09.01.2017 for getting their statements recorded 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 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 01.12.2016, the parties appeared before the learned Sub Divisional Judicial Magistrate, Abohar and their statements were recorded on 09.01.2017. Respondent No.2-Smt.Neha has stated that she has amicably resolved the matter with the accused out of her own free will, without any pressure or coercion. She has further stated that a draft of ₹ 3 lakhs dated 09.01.2017 has been received by her on the said date itself. Respondent No. 2 has stated that she has no objection to the quashing of the above said FIR qua all the accused persons. Statements of all the petitioners in respect to the above said compromise were also recorded.

As per report dated 10.01.2017 submitted by the learned Sub Divisional Judicial Magistrate, Abohar, it is noted that the compromise arrived

at between the parties is genuine, voluntary, without any coercion or undue influence. The petitioners are the only accused persons in this case and none of them are proclaimed offenders. It is further noted that respondent No. 2 is the only aggrieved/injured person and she is the complainant in this case.

Learned counsel for the complainant/respondent No.2 affirms and verifies the factum of settlement between the parties. It is stated that respondent No.2 has no objection to the quashing of above mentioned FIR qua all the petitioners.

Learned counsel for the State, on instructions from HC Kashmir Lal submits that the present being a matrimonial dispute the State has no objection to the quashing of this FIR on the basis 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”.

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 continuing the present proceedings. It will only lead to wastage of the precious time of the court and would be an exercise in futility.

This petition is, thus, allowed and FIR No. 106 dated 17.06.2014 registered under Sections 323,324,342,506,498-A,406 and 120-B IPC at

Police Station City Abohar, District Fazilka alongwith all consequential proceedings arising therefrom are hereby quashed.

(LISA GILL)
JUDGE

23.02.2017

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Whether speaking/reasoned : *Yes/No.*

Whether reportable : *Yes/No.*