

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

Criminal Misc. M- No. 36996 of 2016 (O&M)

Date of decision : August 25, 2017

Savinder Singh and others

.....Petitioners

Versus

State of Punjab and another

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Vijay Rana, Advocate
for the petitioners.

Mr. Karanbir Singh, AAG, Punjab.

None for respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No. 21 dated 29.06.2013 under Sections 406, 498A IPC registered at Police Station NRI Jalandhar 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 behest of respondent No.2 due to matrimonial discord with her husband i.e. petitioner No.1. With the intervention of respectables and relatives, a compromise has been arrived at between the parties, the terms of which were reduced into writing on 25.07.2016 (Annexure P-2). The parties wish to live in peace and harmony and put an end to the acrimony between them. The present petition has been filed on the basis of this compromise.

It is informed that petition under Section 13B of Hindu Marriage Act, 1955 has since been allowed.

This Court on 18.05.2017 directed the parties to appear before learned trial court for recording 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 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 18.05.2017, the parties appeared before the learned Chief Judicial Magistrate (NRI cases), Jalandhar and their statements were recorded on 02.06.2017. Respondent No.2 stated that the matter has been amicably resolved with all the accused petitioners. The compromise, it is stated, is arrived at out of her own free will, without any kind of pressure. Respondent No. 2 further 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 05.06.2017 received from the learned Chief Judicial Magistrate (NRI cases), Jalandhar, it is opined that the compromise between the parties has been arrived at out of their own free will, without any pressure. None of the accused persons are reported to be proclaimed offender. Statements of the parties are appended alongwith the said report.

Ms. Rishma Verma, Advocate had appeared on behalf of respondent No.2 on 18.05.2017. She had verified the factum of settlement

between the parties, pursuant to which, the parties were directed to appear before the learned trial Court for recording their statements. It is reiterated by learned counsel for the petitioners that the entire settled amount has been handed over to respondent No. 2 and pursuant thereto petition under Section 13B of Hindu Marriage Act, 1955 has since been allowed.

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. 21 dated 29.06.2013 under Sections 406, 498A IPC registered at Police Station NRI

Jalandhar alongwith all consequential proceedings are, hereby, quashed.

August 25, 2017
rts

(Lisa Gill)
Judge

Whether speaking/reasoned :	Yes/No
Whether reportable :	Yes/No