

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

CRM-M-37168 of 2016

Date of decision: 11.01.2017

Ramandeep Singh and others

..... Petitioner.

Versus

State of Punjab and another

..... Respondents.

CORAM: HON'BLE MS. JUSTICE LISA GILL

Present: Mr. Vivek Salathia, Advocate for the petitioners.

Mr. Sultan Singh Gill, DAG, Punjab.

Mr. Vikas Gupta, 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. 147 dated 08.09.2015 (Annexure P-1) registered under Sections 406, 498-A, 494 of the Indian Penal Code (for short 'IPC') at Police Station Kamboj, Amritsar and all other consequential proceedings arising therefrom on the basis of an amicable settlement (Annexure P-2) arrived at between the parties.

The above said FIR has been registered on the statement of Kanwaldeep Kaur- respondent No. 2 alleging commission of offences under Sections 406, 498-A, 494 IPC qua the petitioners.

Due to the intervention of respectables, the dispute between the parties has been amicably resolved and reduced into writing on 20.02.2016 (Annexure P-2). 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.

This FIR arises out of a matrimonial dispute between petitioner No. 1 and respondent No.2, which has since been amicably resolved vide the abovementioned compromise/settlement.

This Court on 02.12.2016 had directed the parties to appear before learned trial court/ Illaqa Magistrate court on 15.12.2016 for getting their statements recorded in respect to the above-mentioned compromise. Learned trial court/ Illaqa 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 also directed to intimate whether any of 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 02.12.2016, the parties appeared before the learned Judicial Magistrate 1st Class, Amritsar and their statements were recorded on 15.12.2016. Statement of respondent No.2- Kanwaldeep Kaur was recorded to the effect that a compromise has been effected between her and all the accused-petitioners. Compromise has been arrived at out of her own free will and volition without any undue threat, fear and coercion. Further she has no objection in case the FIR against all the accused-petitioners is quashed. Statements of petitioners Ramandeep Singh and Rasleen Kaur were also recorded. Petitioners Jaswinder Pal Singh, Jaspreet Kaur and Avtar Singh made a statement through their Special Power of Attorney holder namely, Ramandeep Singh.

As per report dated 23.12.2016 of the learned Judicial Magistrate

1st Class, Amritsar, it is noted that accused Ramandeep Singh, Rasleen Kaur

and Jaswinderpal Singh, Jaspreet Kaur & Avtar Singh (through their special power of attorney namely, Ramandeep Singh) as well as complainant/respondent No.2- Kanwaldeep Kaur appeared before the court and got their statements recorded qua the amicable settlement of dispute. Settlement has been arrived at between the parties out of their own free will and without any threat, undue influence or coercion. None of the accused/petitioners are absconding/proclaimed offenders. Statements of the parties have been appended alongwith the report.

Learned counsel for 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.

Learned counsel for the State, on instructions from HC Lakhwinder Singh, Police Station Kamboj, Amritsar (Rural) 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. 147 dated 08.09.2015 (Annexure P-1) registered under Sections 406,498-A, 494 IPC at Police Station Kamboj, Amritsar alongwith all other consequential proceedings arising therefrom are hereby quashed.

(LISA GILL)
JUDGE

11.01.2017
PA

Whether speaking/reasoned : *Yes/No.*

Whether reportable : *Yes/No.*