

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

CRM No. M-37971 of 2016

Date of decision: 27.02.2017

Baljot Singh

..... Petitioner.

Versus

State of Punjab and another

..... Respondents.

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Arjun Veer Sharma, Advocate for the petitioner.

Mr. L.S. Sidhu, AAG, Punjab.

Mr. Abhijeet Partap Singh, 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. 03 dated 03.01.2015 registered under Sections 406 and 498-A of the Indian Penal Code (for short 'IPC') at Police Station Women Cell, Ludhiana 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. Amanpreet Kaur, who was married to petitioner-Baljot Singh, alleging commission of offences under Sections 406 and 498-A IPC qua the petitioner.

The above said FIR arises out of matrimonial discord between petitioner 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.

This Court on 10.01.2017 had directed the parties to appear before the learned trial court on 20.01.2017 for getting their statements recorded 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 directed to intimate whether the petitioner is a proclaimed offender and whether any other case is pending against him. Information was sought as to whether all affected persons are party to the settlement.

Pursuant to order dated 10.01.2017, the parties appeared before the learned Judicial Magistrate 1st Class, Ludhiana and their statements were recorded on 20.01.2017. Respondent No.2-Smt. Amandpreet Kaur has stated that the above said FIR was lodged due to matrimonial discord. With the intervention of respectables, the matter has been amicably resolved. The compromise has been arrived at out of her own free will, without any threat undue pressure or coercion. She has stated that a petition under Section 13-B of the Hindu Marriage Act, 1955 has been filed and is pending for 05.04.2017. Respondent No.2 has further stated that all her claims qua the petitioner have been settled and there is no objection, whatsoever, to the quashing of the above said FIR. Statement of the petitioner in respect to the above said compromise was also recorded.

As per report dated 13.02.2017 submitted by the learned Judicial Magistrate 1st Class, Ludhiana it is noted that the compromise arrived at between the parties is genuine and without any pressure or coercion from any corner. The petitioner is the sole accused in this case and he is not a proclaimed offender.

Learned counsel for the complainant/respondent No.2 affirms and verifies the factum of settlement between the parties. It is stated 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 Sukhwinder Singh 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. 03 dated 03.01.2015 registered under Sections 406 and 498-A of the IPC at Police Station Women Cell, Ludhiana alongwith all consequential proceedings arising therefrom are hereby quashed.

(LISA GILL)
JUDGE

27.02.2017

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