

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

**CRM No. M-38566 of 2016
Date of decision: 06.04.2017**

Pankaj Kumar

..... Petitioner.

Versus

State of Punjab and another

..... Respondents.

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. G.P.S. Pathania, Advocate, for the petitioner.

Mr. K.D. Sachdeva, Addl. A.G., Punjab.

Mr. Sumeet Singh Deol, 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. 59 dated 30.10.2015 (**Annexure P-1**) registered under Sections 498-A, 420, 406 and 120-B of the Indian Penal Code (for short 'IPC') at Police Station Sadar Pathankot, District Pathankot 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 was registered at the behest of respondent No. 2-Smt. Vimmi. The dispute arose between the parties because of matrimonial discord between petitioner and respondent No.2.

With the intervention of respectables, elders and relatives, the matter has been amicably resolved between the parties. The terms and conditions of the compromise were reduced into writing on 14.07.2016. The compromise is on record of this petition as Annexure P-2. .

This Court on 27.10.2016 directed the parties to appear before the learned trial Court on 16.11.2016 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 and to intimate regarding pendency of any proclamation proceedings against any party.

Pursuant to order dated 27.10.2016, the parties appeared before the learned Judicial Magistrate 1st Class, Pathankot and their statements were recorded on 16.11.2016. Respondent No.2-Smt. Vimmi has stated that the matter has been amicably resolved between the parties. The settlement has been arrived at out of her own free will. It is stated by respondent No. 2 that she has no objection if the above said FIR against the petitioner is quashed. Statement of the petitioner in respect to the settlement was recorded.

As per report dated 16.11.2016, submitted by the learned Judicial Magistrate 1st Class, Pathankot, it is opined that the compromise between the parties is genuine, arrived at voluntarily. Statements in this respect were suffered by the parties voluntarily. The petitioner is the sole accused in this case and 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 that respondent No. 2 has no objection, whatsoever, to the quashing of the above mentioned FIR qua the petitioner.

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

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

This petition is, thus, allowed and FIR No. 59 dated 30.10.2015 registered under Sections 498-A, 420, 406 and 120-B of the IPC at Police Station Sadar Pathankot, District Pathankot alongwith all consequential proceedings arising therefrom are hereby quashed.

(LISA GILL)
JUDGE

06.04.2017
PA

Whether speaking/reasoned : *Yes/No.*

Whether reportable : *Yes/No.*