

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

**Criminal Misc. No.M- 3873 of 2016 (O&M)**

Date of decision : November 08, 2017

Kuldip Kaur and others

.....Petitioners

Versus

State of Punjab and another

....Respondents

**CORAM:- HON'BLE MRS. JUSTICE LISA GILL**

Present: Mr. H.S. Randhawa, Advocate  
for the petitioners.

Mr. Karanbir Singh, AAG, Punjab.

Mr. J.S. Grewal, Advoca  
for respondent No.2.

\*\*\*

**LISA GILL, J.**

Prayer in this petition is for quashing of FIR No. 4 dated 11.01.2014 under Sections 406, 498A, 307 IPC registered at Police Station Singh Bhagwantpur, District Rupnagar and all other consequential proceedings arising therefrom on the basis of a settlement/agreement dated 05.08.2014 (Annexure P-3) arrived at between the parties before the Mediation and Conciliation Centre of this Court.

It is submitted that petitioner No. 5 was wrongly declared to be a proclaimed offender on 04.05.2015. In fact, he had left India for Australia prior to the registration of the FIR in question and has never returned thereafter. Moreover, the matter has been amicably resolved between the parties. Petition under Section 13B of Hindu Marriage Act, 1955 ('the Act' –

for short) has since been allowed on 21.08.2017. The entire settled amount has been handed over to respondent No. 2. No offence punishable under Section 307 IPC is made out in this case. The present petition has been filed on the basis of this compromise.

Pursuant to order dated 18.08.2017, the parties appeared before the learned Additional Sessions Judge, Rupnagar, and their statements were recorded on 01.09.2017. Respondent No.2 stated that the matter has been amicably resolved by her with all the accused petitioners. It is stated that petition under Section 13B of the Act has been filed by her as well as her husband – petitioner No. 5. It is stated that she has received a sum of ₹19 lakhs as well as her ornaments from the Power of Attorney Holder of petitioner No. 5 - Surinder Singh. Decree of divorce has been granted on 21.08.2017. 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.

In terms of order dated 18.08.2017, statement of petitioner No. 5 was recorded through his Power of Attorney Holder, Surinder Singh – his father/petitioner No. 2.

As per report dated 20.09.2017 received from the learned Additional Sessions Judge, Rupnagar, it is opined that the compromise between the parties is genuine, arrived at out of their own free will, without any inducement, threat, promise, coercion or undue influence from any quarter. None of the petitioners except petitioner No. 5 are reported to be the proclaimed offenders. Statements of the parties are appended alongwith the said report.

Learned counsel for respondent No.2 reaffirms and verifies the

factum of settlement between the parties. It is reiterated that respondent No.2 has no objection to the quashing of the abovementioned FIR alongwith all consequential proceedings emanating therefrom including order dated 04.05.2015 vide which petitioner No. 5 was declared to be a proclaimed offender.

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. 4 dated 11.01.2014 under Sections 406, 498A, 307 IPC registered at Police Station Singh

Bhagwantpur, District Rupnagar alongwith all consequential proceedings including order dated 04.05.2015 are, hereby, quashed.

November 08, 2017  
rts

(Lisa Gill)  
Judge

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