

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

**CRM No. M-38769 of 2016
Date of decision: 11.05.2017**

Harminder Singh

..... Petitioner.

Versus

State of Punjab and another

..... Respondents.

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Gaurav Partap Singh, Advocate, for the petitioner.

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

Mr. Suneet 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. 106 dated 19.09.2014 (**Annexure P-1**) registered under Sections 292 (A)/498-A of the Indian Penal Code (for short 'IPC') and Section 66/67-A of the Information Technology Act, 2000 at Police Station Sujampur, 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. Jasbir Kaur. 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. It is submitted that the petitioner and respondent No. 2 are now living together at their matrimonial home. The terms and conditions of the compromise were

reduced into writing on 01.10.2016. The compromise is on record of this petition as Annexure P-2.

This Court on 22.03.2017 directed the parties to appear before the learned Illaqa Magistrate/trial Court on 30.03.2017 for recording their statements 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 threat, coercion or undue pressure. Learned Illaqa Magistrate/trial court was directed to intimate whether the petitioners is a proclaimed offender and whether any other case is pending against him.

Pursuant to order dated 22.03.2017, the parties appeared before the learned Chief Judicial Magistrate, Pathankot and their statements were recorded on 15.04.2017. Respondent No.2-Smt. Jasbir Kaur has stated that the matter has been amicably resolved with her husband. She is now living with her husband, the petitioner. The settlement has been arrived at out of her own free will, without any threat, coercion or undue pressure. It is stated by respondent No. 2 that she has no objection to the quashing of the above said FIR against the petitioner. Statement of the petitioner in respect to the settlement was recorded.

As per report dated 03.05.2017, submitted by the learned Chief Judicial Magistrate, Pathankot it is opined that the compromise between the parties is genuine, voluntary, arrived at between the parties without any coercion or undue influence. The petitioner is the sole accused in this case and he is not a proclaimed offender.

Learned counsel for the complainant/respondent No.2 reaffirms and reiterates 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 Rajinder Kumar 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. 106 dated 19.09.2014 registered under Sections 292 (A)/498-A of the IPC and Section 66/67-A of the Information Technology Act, 2000 at Police Station Sujampur, District Pathankot alongwith all consequential proceedings arising therefrom are

hereby quashed qua the petitioner. However, liberty is afforded to respondent No. 2 to file necessary application for revival of the proceedings in the above said FIR, in case the terms and conditions of settlement between the parties are not adhered to by the petitioner or it is found that the settlement was a mere ruse to have the aforesaid FIR quashed.

(LISA GILL)
JUDGE

11.05.2017

PA

Whether speaking/reasoned : *Yes/No.*

Whether reportable : *Yes/No.*