

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

**CRM No. M-38927 of 2016 (O&M)
Date of decision: 10.03.2017**

Amanpreet Singh and another

..... Petitioner.

Versus

State of Punjab and another

..... Respondents.

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Raman Mohinder Sharma, Advocate
for the petitioners.

Mr. Neeraj Sharma, AAG, Punjab.

Mr. Deshpreet Singh, Advocate,
for respondent No.2.

LISA GILL, J.

CRM No. 4045 of 2017

This application is for impleading Harjeet Kaur wife of Harminder Singh as petitioner No. 2 in this petition.

It is submitted that due to an inadvertent mistake, the applicant- Harjeet Kaur could not be impleaded as a party in the present petition. The applicant was not aware that she was being proceeded against as an accused in the present FIR. The matter was amicably resolved between the parties before filing of the final report under Section 173 Cr.P.C., before the Mediation and Conciliation Centre of this Court on 10.03.2016, as reflected in Annexure P-2 .

Learned counsel for non-applicants/ respondents submit that there have no objection to the impleadment of the applicant- Harjeet Kaur as petitioner No. 2 in the present petition. The application is accordingly allowed.

Amended memo of parties annexed with the application is taken on record subject to just exceptions.

CRM No. M-38927 of 2016

Prayer in this petition is for quashing of FIR No. 71 dated 28.07.2015 (**Annexure P-1**) registered under Section 498-A of the Indian Penal Code (for short 'IPC') at Police Station Women Cell, District Patiala and all other consequential proceedings arising therefrom on the basis of an amicable settlement dated 10.03.2016 (**Annexure P-2**) arrived at between the parties.

The above said FIR was registered on an application submitted by respondent No. 2- Smt. Amarpreet Kaur, who was married to petitioner No.1- Amanpreet Singh, alleging commission of offence under Section 498-A qua the petitioners.

The above said FIR is a fall out of matrimonial discord between petitioner No. 1 and respondent No. 2. The matter has been amicably resolved between the parties before the Mediation and Conciliation Centre of this Court. Settlement agreement dated 10.03.2016 is annexed with this petition as Annexure P-2. The parties have decided to part ways. It is informed that a petition under Section 13-B of the Hindu Marriage Act filed by petitioner No. 1 and respondent No. 2 has since been allowed on 13.12.2016.

This Court on 03.11.2016 directed the parties to appear before the learned trial Court on 18.11.2016 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 the party.

Pursuant to order dated 03.11.2016, the parties appeared before the learned Judicial Magistrate 1st Class, Patiala and their statements were recorded on 18.11.2016. Respondent No.2-Smt. Amanpreet Kaur has stated that the matter has been amicably resolved between the parties. It is stated that she has arrived at the compromise voluntarily, out of her own free will, without any pressure, threat or coercion. Respondent No. 2 has categorically stated that she has no objection if the above said FIR qua petitioner- Amanpreet Singh is quashed. Statement of petitioner- Amanpreet Singh in respect to the settlement was recorded.

As per report dated 22.12.2016, submitted by the learned Judicial Magistrate 1st Class, Patial, it is opined that the compromise arrived at between the parties is genuine. It has been executed between the parties out of their own free will and consent, without any kind of threat or pressure. It is also noted that none of the accused in this case are proclaimed offenders.

When the matter was taken up for hearing on 12.01.2017 it transpired that Harjeet Kaur, mother of petitioner No.1 (mother-in-law of respondent No.2) has also been proceeded against in this FIR. Harjeet Kaur has been impleaded as petitioner No. 2 vide order of even date passed in criminal miscellaneous No. 4045 of 2017.

Learned counsel for respondent No. 2 reiterates the settlement arrived at between the parties and submits that respondent No.2 has no objection, whatsoever, to the quashing of the above said FIR against petitioner No. 2- Harjeet Kaur as well. This is so especially in view of the settlement arrived at between the parties. Admittedly divorce by mutual consent has been granted to petitioner No.1 and respondent No. 2 on 13.12.2016. Affidavit of

Harjeet Kaur dated 24.01.2017 in this respect is taken on record subject to just exceptions.

Keeping in view the peculiar facts and circumstances of the case, as noted above, there is no necessity of relegating the parties for recording of their statements yet again in respect to petitioner No. 2. In view of the settlement dated 10.03.2016 and subsequent divorce by mutual consent between petitioner No. 1 and respondent no. 2, there is no reason to doubt the stand of the parties qua petitioner No. 2 as well.

Learned counsel for the State 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”.

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 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. 71 dated 28.07.2015 (Annexure P-1) registered under Section 498-A of the IPC at Police Station Women Cell, Patiala alongwith all consequential proceedings arising therefrom are hereby quashed qua both the petitioners.

(LISA GILL)
JUDGE

10.03.2017
PA

Whether speaking/reasoned : *Yes/No.*

Whether reportable : *Yes/No.*