

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

Criminal Misc. No. M- 39023 of 2016(O&M)

Date of Decision: July 7 , 2017.

Charanjit Singh and others PETITIONER(s)

Versus

State of Punjab and another RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

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

Mr. Karambir Singh, AAG, Punjab.

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

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.103 dated 22.10.2015 under Sections 406/498A IPC registered at Police Station Kathgarh, District Shaheed Bhagat Singh Nagar and all other consequential proceedings arising therefrom on the basis of a compromise arrived at between the parties.

The abovesaid FIR was registered at the behest of respondent No.2 due to matrimonial discord with her husband i.e., petitioner No.3.

It is submitted that petitioner No.3 was not in India when the abovesaid FIR was registered. Therefore, the order declaring him to be a proclaimed offender is clearly illegal. Furthermore, with the intervention of respectables and relatives, the matter has been amicably resolved between the

parties, the terms of which were reduced into writing on 17.08.2016. The parties wish to live in peace and harmony and put an end to the acrimony between them.

This Court on 28.11.2016 and 09.02.2017 directed the parties to appear before learned trial court/Illaqa Magistrate for recording their statements in respect to the above-mentioned compromise. Permission was afforded to petitioner No.3 to appear before the learned trial court/Illaqa Magistrate for recording of his statement regarding the compromise through his power of attorney holder i.e. petitioner No.1, who is petitioner No.3's father. Learned trial court/Illaqa Magistrate was directed to submit a report regarding the genuineness of the compromise and to intimate whether any other case or PO proceedings are pending against them.

Pursuant to order dated 28.11.2016 and 09.02.2017, the parties appeared before the learned Sub Divisional Judicial Magistrate, Balachaur and their statements were recorded on 22.03.2017. Respondent No.2 stated that she has amicably resolved the entire dispute with all the accused persons. The settlement has been arrived at voluntarily out of her own free will without any kind of pressure. Petition under Section 13B of the Hindu Marriage Act was stated to be pending for 24.03.2017 for recording the statements of the parties at second motion. Respondent No.2 further stated that she has no objection to the quashing of the abovesaid FIR qua the petitioners. Statements of petitioner No.1, 2 and petitioner No.3 through his power of attorney holder were recorded in respect to the settlement.

As per report dated 22.03.2017 received from the learned Sub Divisional Judicial Magistrate, Balachaur it is opined that the settlement between the parties is genuine and the same has been arrived at without any kind of

pressure upon them. The statements of the parties are appended alongwith the said report.

Learned counsel for the petitioners and respondent No.2 inform that the decree of divorce has been granted in favour of petitioner No.3 and respondent No.2 by the learned District Judge (Family Court), Shaheed Bhagat Singh Nagar on 24.03.2017.

Learned counsel for respondent No.2 affirms that the entire amount settled between the parties has been received by respondent No.2 and she has no objection to the quashing of the abovementioned FIR against all the petitioners.

Learned counsel for the State, on instructions from HC Balwan Singh, 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.103 dated 22.10.2015 under Sections 406/498A IPC registered at Police Station Kathgarh, District Shaheed Bhagat Singh Nagar alongwith all consequential proceedings are, hereby, quashed.

July 7 , 2017.
'om'

(LISA GILL)
JUDGE

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