

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

**CRM No. M-3832 of 2015
Date of decision:16.02.2017**

Jagmeet Singh and others

..... Petitioners.

Versus

State of Punjab and others

..... Respondents.

CORAM: HON'BLE MRS. JUSTICE LISA GILL

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

Mr. Sultan Singh Gill, DAG, Punjab.

Mr. J.S. Dhaliwal, Advocate, for respondents No. 2 and 3.

LISA GILL, J.

This petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of FIR No. 138 dated 27.06.2014 registered under Sections 406,498-A and 120-B of the Indian Penal Code (for short 'IPC') at Police Station Jhabhal, District Tarn Taran and all other consequential proceedings arising therefrom on the basis of an amicable settlement arrived at between the parties.

The above said FIR was registered on the basis of a complaint submitted by Smt. Baldev Kaur (respondent No. 2), mother of respondent No.3 (Smt. Jagdeep Kaur). The dispute arose out of matrimonial discord between petitioner No. 1 and respondent No.3.

Due to the intervention of respectables, elders and friends, a compromise has been arrived at between the parties on 28.06.2014. The parties wish to live in peace and harmony and put an end to the acrimony between them. Present petition has been filed on the basis of this compromise.

It is submitted that petitioner No. 1 and respondent No. 3 had filed a petition under Section 13- B of the Hindu Marriage Act and divorce by mutual consent has since been granted.

This Court on 07.11.2016 had directed the parties to appear before learned trial court for getting their statements recorded 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 07.11.2016, the parties appeared before the learned Additional Chief Judicial Magistrate, Tarn Taran and their statements were recorded on 17.11.2016. Smt. Jagdeep Kaur (respondent No.3) stated that she was married with petitioner No. 1 (Jagmeet Singh). The above said matter has been amicably resolved. The settlement has been arrived at out of her own free will and volition, without any pressure or duress. The factum of recording of her statement on 17.11.2016 at second motion in a petition under Section 13-B of the Hindu Marriage Act has also been mentioned by her. It is submitted that she has no objection, what so ever, to the quashing of the above mentioned FIR against all the accused persons. Similarly, respondent No. 2- Baldev Kaur, the complainant has stated that the matter has been amicably resolved out of their own free will and volition without any fear, threat or coercion. She has stated that she has no objection to the quashing of the above said FIR against all the petitioners.

As per report dated 01.12.2016 submitted by the learned Additional chief Judicial Magistrate, Tarn Taran, it is noted that the compromise between the parties is genuine and has been arrived at out of their own free will and consent. It is mentioned that none of the three petitioners

who are the accused in the aforesaid FIR are proclaimed offenders. Their statements in regard to the settlement are stated to have been recorded. Statements of petitioner No. 1, respondents No. 2 and 3 are attached along with the report dated 01.12.2016

Learned counsel for respondents No. 2 and 3 affirms and verifies the factum of settlement between the parties. It is stated that respondents No. 2 and 3 have no objection to the quashing of above mentioned FIR against all the petitioners.

Learned counsel for the State, on instructions from SI Kuldeep Singh 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”.

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. 138 dated 27.06.2014 registered under Sections 406, 498-A and 120-B IPC at Police Station Jhabhal

District Tarn Taran alongwith all consequential proceedings are, hereby,
quashed.

16.02.2017

PA

(LISA GILL)
JUDGE

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