

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

**CRM No. M-3837 of 2017
Date of decision: 09.05.2017**

Malti Bedi and another

..... Petitioners.

Versus

State of Punjab and another

..... Respondents.

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Arun Sharma, Advocate, for the petitioners.

Mr. Rajpreet Singh Sidhu, AAG, Punjab.

Mr. Abhijeet Partap Singh, 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. 06 dated 02.07.2015 (**Annexure P-1**) registered under Sections 406,498-A, 354,506 and 120-B of the Indian Penal Code (for short 'IPC') at Police Station NRI Sangrur, District Sangrur 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. Neelu because of matrimonial discord with her husband-petitioner No. 2.

The matter has been amicably resolved between the parties before the Mediation and Conciliation Centre of this Court. The terms and conditions of the compromise were reduced into writing on 22.12.2016. The compromise is on record of this petition as Annexure P-2. It is submitted that there were three accused in this case. However, it is only the two

petitioners, who were proceeded against. One of the accused namely, Puneet Bedi was found innocent during investigation

This Court on 15.03.2017 directed the parties to appear before the learned trial Court/Illaq Magistrate on 28.03.2017 for recording their statements in respect to the above-mentioned compromise. Learned trial court/Illaq 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 trial court/Illaq Magistrate was directed to intimate whether the petitioners are proclaimed offenders and whether any other case is pending against them.

Pursuant to order dated 15.03.2017, the parties appeared before the learned Additional Chief Judicial Magistrate, Sangrur and their statements were recorded on 28.03.2017. Respondent No.2-Smt. Neelu has stated that she has amicably resolved the matter with the accused-petitioners. The settlement has been arrived at out of her own free will, without any pressure or coercion. It is stated that she has received a sum of ₹ 7.50 lakhs in the shape of three demand drafts as full and final settlement of all her claims-past, present or future, which she may have against the petitioners. Respondent No. 2 has stated that she accepts the divorce granted by the Australian Court. She has no objection to the quashing of the above said FIR against the petitioners. Statement of petitioner No.1- Malti Bedi in respect to the settlement was recorded. She also recorded the statement on behalf of her son/petitioner- No.2 Karun Bedi, being his Special Power of Attorney holder.

As per report dated 31.03.2017, submitted by the learned Additional Chief Judicial Magistrate, Sangrur, it is opined that the settlement

between the parties is genuine, has been arrived at out of their own free will and volition. None of the petitioners are proclaimed offenders.

Learned counsel for the complainant/respondent No.2 reaffirms and verifies 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 both the petitioners.

Learned counsel for the State on instructions from ASI Varinder 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. 06 dated 02.07.2015 registered under Sections 406,498-A, 354,506 and 120-B of the IPC at Police

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Station NRI Sangrur, District Sangrur alongwith all consequential proceedings arising therefrom are hereby quashed qua the petitioners.

(LISA GILL)
JUDGE

09.05.2017

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Whether speaking/reasoned : *Yes/No.*

Whether reportable : *Yes/No.*