

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

**CRM-M-39556 of 2016
Date of decision: 09.02.2017**

Sudhir Mohan Arora and others

..... Petitioners.

Versus

State of Punjab and another

..... Respondents.

CORAM: HON'BLE MS. JUSTICE LISA GILL

Present: Ms. Seema Arora, Advocate for the petitioners.

Mr. P.S. Grewal, DAG, Punjab.

Mr. Harpal 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. 03 dated 09.02.2015 registered under Sections 406 and 498-A of the Indian Penal Code (for short 'IPC') at Police Station NRI Ludhiana on the basis of an amicable settlement dated 16.10.2016 (Annexure P-2) arrived at between the parties.

The above said FIR was registered on the basis of an application submitted by respondent No.2- Smt. Blossom. The dispute arose between the parties due to matrimonial discord between petitioner No. 2 and respondent No.2.

Due to the intervention of respectables and common friends, the dispute between the parties has been amicably resolved and reduced into writing on 16.10.2016 (Annexure P-2). 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.

This Court on 29.11.2016 had directed the parties to appear before learned Illaqa Magistrate on 07.12.2016 for getting their statements recorded in respect to the above-mentioned compromise. Learned Illaqa Magistrate 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 29.11.2016, the petitioners through their Power of Attorney Holder namely, Sh. Chander Mohan Munjal, who is the brother-in-law of petitioner No.1 appeared before the learned Chief Judicial Magistrate, Ludhiana on 07.12.2016. Respondent No.2 also appeared on 07.12.2016. Statements of the parties in regard to the compromise were recorded. Respondent No.2 has categorically stated that the matter has been amicably settled. The settlement has been arrived at out of her own free will and volition. As per settlement she has received ₹ 20 lakhs on the said date. She has also received two demand drafts dated 30.11.2016 for a sum of ₹ 10 lakhs each and two cheques dated 7.12.2016 for a sum of ₹ 50,000/- each. It is further stated that on encashment of these drafts and cheques she would have received a total sum of ₹ 41 lakhs towards all the claims against the accused. Respondent No. 2 has stated that she would present the aforesaid drafts and cheques for encashment after the quashing of the aforesaid FIR. It is stated that she does not wish to proceed against the accused-petitioners and has no objection in case the above said FIR is quashed. Statement of Power of Attorney Holder of the petitioners in respect of the settlement was also recorded.

As per report dated 15.12.2016 submitted by the learned Chief Judicial Magistrate, Ludhiana it is noted that the compromise arrived at

between the parties is genuine and has been arrived at out of their own free will and consent. It is noted that though proclamation proceedings are pending against petitioners No. 2 to 4 but they have not been declared proclaimed offenders.

Learned counsel for respondent No.2 affirms and verifies the factum of settlement between the parties. It is stated that respondent No. 2 has no objection to the quashing of above mentioned FIR. The father of respondent No.2 - Sh. Narinderjit Singh is present in Court. He also affirms the factum of settlement between the parties. The Power of Attorney holder of the petitioners present in Court today states that all the petitioners shall remain bound by the terms and conditions of the settlement.

Learned counsel for the State, on instructions from SI Baljinder 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. 03 dated 09.02.2015 registered under Sections 406 and 498-A IPC at Police Station NRI Ludhiana alongwith all other consequential proceedings arising therefrom are hereby quashed.

(LISA GILL)
JUDGE

09.02.2017

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Whether speaking/reasoned : *Yes/No.*

Whether reportable : *Yes/No.*