

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

CRM No. M-39773 of 2016

Date of decision: 18.01.2017

Jasbir Singh

..... Petitioner.

Versus

State of Punjab and another

..... Respondents.

CORAM: HON'BLE MS. JUSTICE LISA GILL

Present: Mr. Naveen Batra, Advocate for the petitioner.

Mr. Gurinderjit Singh, DAG, Punjab.

Ms. Rajni Maurya, 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. 142 dated 23.09.2016 registered under Section 498-A of the Indian Penal Code (for short 'IPC') at Police Station City Nawanshahar, District SBS Nagar and all other consequential proceedings arising therefrom on the basis of an amicable settlement arrived at between the parties.

The above said FIR has been registered on the statement of Smt. Parminder Kaur - respondent No. 2 alleging commission of offence under Section 498-A IPC qua the petitioner.

Due to the intervention of respectables, a compromise has been arrived at between the parties, the terms of which were reduced into writing on 05.09.2016. 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 08.11.2016 had directed the parties to appear before learned Illaqa Magistrate on 21.11.2016 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, as to whether it has been arrived at out of the free will and volition of the parties, without any coercion, fear or undue influence. Learned trial court was also directed to intimate regarding pendency of any proclamation proceedings against the party.

Pursuant to order dated 08.11.2016, the parties appeared before the learned Additional Chief Judicial Magistrate, Shaheed Bhagat Singh Nagar and their statements were recorded on 03.12.2016. Statement of respondent No.2- Smt. Parminder Kaur was recorded to the effect that she has settled the matter with her husband- Jasbir Singh, who is represented through his attorney, Sh. Manjinder Singh. The amount of permanent alimony stands settled, part of which has been received and the rest would be handed over to her at the time of second motion in the petition under Section 13-B of the Hindu Marriage Act. The settlement has been arrived at out of her own free will and volition, without any threat, pressure or undue influence. It is further stated that she has no objection to the quashing of the above said FIR. Statement of Manjinder Singh attorney holder of petitioner- Jaibir Singh was also recorded. ASI Darbara Singh stated that till date no proceedings against accused/petitioner- Jasbir Singh have been initiated to declare him a proclaimed offender.

As per report dated 15.12.2016 of the learned Additional Chief Judicial Magistrate, Shaheed Bhagat Singh Nagar, it is noted that the compromise effected between the parties is genuine, with an intent to bring the matrimonial dispute to an end. It has been entered into out of free will and volition of the parties.

Ms. Rajni Maurya, Advocate 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.

Learned counsel for the State, on instructions from ASI Darbara 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. 142 dated 23.09.2016 registered under Section 498-A IPC at Police Station City Nawanshahar, District SBS Nagar alongwith all consequential proceedings are hereby quashed.

18.01.2017

PA

(LISA GILL)
JUDGE

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.