

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

**CRM No. M-3901 of 2017
Date of decision: 17.04.2017**

Karminder Singh and others

..... Petitioners.

Versus

State of Punjab and another

..... Respondents.

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Navdeep Singh Brar, Advocate, for
Mr. Rajesh Verma, Advocate, for the petitioners.

Mr. K.D. Sachdeva, Addl.A.G., Punjab.

Mr. J.S. Sodhi, Advocate, for
Mr. L.S. Sidhu, 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. 71 dated 16.10.2015 (**Annexure P-1**) registered under Sections 498-A and 406 of the Indian Penal Code (for short 'IPC') at Police Station Mansa City, District Mansa 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. Virpal Kaur. The dispute arose between the parties because of matrimonial discord between petitioner No.1-Karminder Singh and respondent No.2 - Virpal Kaur.

With the intervention of respectables, elders and relatives, the matter has been amicably resolved between the parties. Petitioner No.1 and respondent No.2 have decided to part ways. The terms and conditions of the

compromise were reduced into writing on 04.10.2016. The compromise is on record of this petition as Annexure P-2.

This Court on 23.02.2017 directed the parties to appear before the learned Illaqa Magistrate/trial Court on 17.03.2017 for recording their statements in respect to the above-mentioned compromise. Learned trial court/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 Illaqa Magistrate/trial court was directed to intimate whether the petitioners are proclaimed offenders and whether any other case is pending against them.

Pursuant to order dated 23.02.2017, the parties appeared before the learned Chief Judicial Magistrate, Mansa and their statements were recorded on 17.03.2017. Respondent No.2-Smt. Virpal Kaur stated that the matter has been amicably resolved between the parties. She has settled the matter out of her own free will, without any pressure, undue influence, coercion or fear. She initially received a sum of Rs. 1 lakh out of Rs. 9.50 lakhs and further a sum of Rs. 4.25 lakhs was received on the day when her statement at first motion was recorded in a petition under Section 13- B of the Hindu Marriage Act. Remaining amount of Rs.4.25 lakhs would be received by her on 18.09.2017, at the time of recording of the statements at second motion in the above said petition. Respondent No. 2 stated that on receipt of amount of Rs. 4.25 lakhs her entire claim shall stand settled. Thus, she has no objection to the quashing of the above said FIR against the petitioners on the basis of a settlement arrived at between the parties. Statements of all the three petitioners in respect to the settlement were recorded.

As per report dated 28.03.2017, submitted by the learned Chief Judicial Magistrate , Mansa, it is opined that the settlement between the parties is genuine, voluntary and out of their free will. The terms and conditions of the settlement have been mentioned in the report. The petitioners are the three accused in this case and none of them are involved in any other case and none of them have been declared to be a proclaimed offender.

Learned counsel for the complainant/respondent No.2 affirms 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 all the three petitioners.

Learned counsel for the State on instructions from ASI Pardeep Kumar, Police Station City Mansa 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. 71 dated 16.10.2015 (**Annexure P-1**) registered under Sections 498-A and 406 of the IPC at Police Station Mansa City, District Mansa alongwith all consequential proceedings arising therefrom are hereby quashed. However, liberty is afforded to respondent No. 2 to file necessary application for revival of the proceedings in the above said FIR, in case the terms and conditions of settlement between the parties are not adhered to by the petitioners and the remaining amount of Rs. 4.25 lakhs is not handed over to respondent No.2 on 18.09.2017 at the time of recording of the statements at second motion in the petition under Section 13- B of the Hindu Marriage Act.

(LISA GILL)
JUDGE

17.04.2017
PA

Whether speaking/reasoned : *Yes/No.*

Whether reportable : *Yes/No.*