

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

**Criminal Misc. No. M-40138 of 2016
Date of Decision : February 7,2017**

Paras Duggal Petitioner

VERSUS

State of Punjab & Another..... Respondents

CORAM : HON'BLE MRS. JUSTICE LISA GILL

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

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Present: Mr. Bhisham Kumar Majoka, Advocate
for the petitioner.

Mr. Sultan Singh Gill, DAG Punjab,
for the State/respondent No.1.

Mr. Sukhwant Singh, Advocate
for respondent No.2.

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LISA GILL, J. (Oral)

1. Prayer in this petition is for quashing of FIR No.46 dated 13.5.2015 under Sections 406, 498-A IPC registered at Police Station Women Cell, Ludhiana as well as subsequent proceedings arising therefrom on the basis of a compromise dated 24.10.2016 (Annexure P2).

2. The aforesaid FIR was registered on the basis of a complaint submitted by respondent No.2. Though there were five accused in the FIR but it is only the petitioner who was proceeded against as all others were found innocent during investigation. Due to intervention of respectables the dispute has since been settled, terms of which are reduced into writing vide

compromise dated 24.20.2016.

3. Pursuant to order dated 22.11.2016 passed by this Court the parties appeared before the learned Judicial Magistrate 1st Class, Ludhiana, on 5.12.2016. Their statements have been recorded with regard to the settlement arrived at between the parties. Respondent No.2-Kavita Gupta @ Megha Duggal has stated before the Judicial Magistrate 1st Class, Ludhiana, that she has settled the dispute with the petitioner. The compromise has been arrived at out of her own free will and volition, without any pressure or coercion. It is further stated that a petition under Section 13-B of the Hindu Marriage Act has been filed by her along with the petitioner. The same is fixed for 26.5.2017. Statement of first motion has already been recorded and she has received ₹2.5 lacs at the time of recording of statement at first motion. She received ₹2 lacs on 5.12.2016 and the remaining amount of ₹4.5 lacs would be received by her at the time of recording of statement at second motion in the petition under Section 13-B of the Hindu Marriage Act. She has no objection in case the said FIR against the petitioner is quashed. Statement of the petitioner was also recorded. Photocopies of the statements are attached along with the report dated 3.2.2017 of the learned Judicial Magistrate 1st Class, Ludhiana. In the said report it is opined that the compromise appears to have been voluntarily arrived at. None of the parties are proclaimed offenders neither any such proceedings are pending against them.

4. Learned counsel for respondent No.2 affirms and verifies the factum of settlement arrived at between the parties. He states that the said respondent has no objection whatsoever to the quashing of this FIR. She does not wish to pursue any proceedings arising from this FIR against the petitioners.

5. Learned counsel for the State, on instructions from SI Raj Rani, Police Station Women Cell, Ludhiana, submits that present being a matrimonial dispute, the State does not have any objection to the quashing of the FIR on the basis of a settlement between the parties.

6. In *Kulwinder Singh and others v. 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.”

7. In view of the above, it would be in the interest of justice to quash the above said FIR as no useful purpose would be served by continuing the present proceedings. It will only lead to wastage of precious time of the court and would be an exercise in futility.

8. This petition is, thus, allowed and FIR No. 46 dated 13.5.2015 under Sections 406, 498-A IPC registered at Police Station Women Cell, Ludhiana alongwith all consequential proceedings are, hereby, quashed.

7.2.2017
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(LISA GILL)
JUDGE

Note: Whether speaking/reasoned

Yes / No

Whether Reportable:

Yes / No