

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

Criminal Misc. No. M- 39809 of 2017(O&M)

Date of Decision: December 15 , 2017.

Sukhmander Singh

..... PETITIONER(s)

Versus

State of Punjab and another

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. J.S.Sekhon, Advocate
for the petitioners.

Mr. Rahul Rathore, DAG, Punjab.

Mr. H.R.Bhardwaj, Advocate
for respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.26 dated 03.02.2013 under Sections 406/498A IPC, registered at Police Station City Ferozepur, District Ferozepur and all other consequential proceedings arising therefrom on the basis of a compromise arrived at between the parties.

The abovesaid FIR was registered at the instance of respondent No.2 due to matrimonial discord with her husband i.e., petitioner No.1. With the intervention of respectables and relatives, a compromise was arrived at between the parties, the terms of which were reduced into writing on 07.10.2017 (Annexure P2).

It is informed by learned counsel for the petitioners as well as

respondent No.2 that ex parte divorce granted to petitioner No.1 vide judgment and decree dated 14.05.2015 has been accepted by respondent No.2. She has agreed not to challenge the said decree. The settled amount as per the compromise dated 07.10.2017 has since been handed over to respondent No.2.

This Court on 27.10.2017 directed the parties to appear before learned trial court/Illaqa Magistrate 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 trial court/Illaqa Magistrate was also directed to intimate whether any of the petitioners are absconding/proclaimed offenders and whether any other case is pending against them. Information was sought as to whether all affected persons are a party to the settlement.

Pursuant to order dated 27.10.2017, the parties appeared before the learned Chief Judicial Magistrate, Ferozepur and their statements were recorded on 06.11.2017. Respondent No.2 stated that the matter has been amicably resolved by her with the petitioners out of her own free will without any inducement, pressure, threat or coercion. Respondent No.2 further stated that she has no objection in case the abovesaid FIR against the accused petitioners is quashed. Statements of the petitioners in respect to the settlement was recorded as well.

As per report dated 07.11.2017 received from the learned Chief Judicial Magistrate, Ferozepur, it is opined that the compromise between the

parties is valid, genuine and voluntary, arrived at between them without any pressure, threat or coercion from any quarter. None of the petitioners are reported to be proclaimed offenders. Statements of the parties are appended alongwith the said report.

Learned counsel for respondent No.2 reaffirms and verifies the factum of settlement between the parties. It is reiterated that respondent No.2 has no objection to the quashing of the abovementioned FIR against all the petitioners.

Learned counsel for the State submits that as the abovesaid FIR arises out of a matrimonial dispute, the State has no objection to the quashing of the FIR in question as well as all consequential proceedings on the basis of a settlement arrived at 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.

Keeping in view the facts and circumstances of this case, 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 merely lead to

wastage of precious time of the court and would be an exercise in futility.

This petition is, thus, allowed and FIR No.26 dated 03.02.2013 under Sections 406/498A IPC, registered at Police Station City Ferozepur, District Ferozepur alongwith all consequential proceedings are, hereby, quashed.

December 15 , 2017.
'om'

(LISA GILL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No