

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

**Criminal Misc. No. M- 40685 of 2016
Date of Decision : January 27, 2017**

Jasvir Singh 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: Ms. Anju Sharma Kaushik, Advocate
for the petitioner.

Mr. P.S.Paul, DAG, Punjab,
for respondent No.1.

Mr. Yashpal Markan, Advocate
for respondent No.2.

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LISA GILL, J. (Oral)

1. Prayer in this petition is for quashing of FIR No. 56 dated 30.5.2015 under Sections 406/498-A IPC registered at Police Station Women Cell, District Ludhiana, as well as subsequent proceedings arising therefrom on the basis of a compromise dated 25.10.2016 (Annexure P2).

2. The above said FIR was registered on the basis of statement of respondent No.2-Nirmala Devi. Due to intervention of respectables the dispute which arose on account of a matrimonial dispute has since been settled.

3. Pursuant to order dated 15.11.2016 passed by this Court the

parties appeared before the learned Judicial Magistrate 1st Class, Ludhiana on 22.11.2016. Their statements were recorded with regard to the settlement arrived at between the parties. Respondent No.2-Nirmala Devi has stated before the Judicial Magistrate 1st Class, Ludhiana, that the matter has been amicably settled between the parties. It is stated that every claim with regard to the past, present and future or dowry has been settled and nothing is due. It is further stated that the compromise has been effected between the parties out of her own free will and volition, without any pressure or coercion. 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 29.11.2016 of the learned Judicial Magistrate 1st Class, Ludhiana. It is noted at this stage that there were two accused in this case. However, Jasbir Kaur was found innocent during investigation and proceedings were initiated against the petitioner only. As per report dated 29.11.2016 of the learned Judicial Magistrate 1st Class, Ludhiana, it is opined that the compromise between the parties is genuine. It has been arrived at out of their own free will, without any pressure or coercion. All claims of respondent No.2 have been settled. 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 petitioner.

5. Learned counsel for the State submits that in view of the

dispute arising out of a matrimonial discord and subsequent settlement, there can possibly be no objection to the quashing of this FIR.

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. 56 dated 30.5.2015 under Sections 406/498-A IPC registered at Police Station Women Cell, District Ludhiana, alongwith all consequential proceedings are, hereby, quashed.

27.1.2017
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(LISA GILL)
JUDGE

Note: Whether speaking/reasoned

Yes / No

Whether Reportable:

Yes / No