

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

**CRM No. M-40714 of 2016
Date of decision: 24.04.2017**

Vikram Batta

..... Petitioner.

Versus

State of Punjab and another

..... Respondents.

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Dinesh Nagar, Advocate, for the petitioner.

Mr. Rajpreet Singh Sidhu, AAG, Punjab.

Mr. Arpandeeep Narula, Advocate, for
Mr. M.J.S. Bedi, 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. 39 dated 12.12.2015 registered under Sections 406 and 498-A of the Indian Penal Code (for short 'IPC') at Police Station Women, Bathinda and all other consequential proceedings arising therefrom on the basis of an amicable settlement arrived at between the parties before the Mediation and Conciliation of this Court

The above said FIR was registered at the behest of respondent No. 2-Smt. Swati Kohli. The dispute arose between the parties because of matrimonial discord between the petitioner and respondent No.2.

The matter has been amicably resolved between the parties before the Mediation and Conciliation Centre of this Court. The petitioner and respondent No.2 have decided to part ways. The terms and conditions of the compromise were reduced into writing on 02.09.2016. The compromise is on record of this petition as Annexure P-2. It is informed that petition

under Section 13- B of the Hindu Marriage Act, 1955 filed by the parties has since been allowed on 22.03.2017.

This Court on 01.03.2017 directed the parties to appear before the learned Illaqa Magistrate/trial Court on 16.03.2017 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 threat, coercion or undue pressure. Learned Illaqa Magistrate/trial court was directed to intimate whether the petitioner is a proclaimed offender and whether any other case is pending against him.

Pursuant to order dated 01.03.2017, the parties appeared before the learned Judicial Magistrate 1st Class, Bathinda and their statements were recorded on 16.03.2017. Respondent No.2-Smt. Swati Kohli has stated the matter with the petitioner has been amicably resolved before the Mediation Centre of the Punjab and Haryana High Court. The settlement has been arrived at out of her own free will, without any kind of pressure. It is stated by respondent No. 2 that she has no objection in case the above said FIR against the petitioner is quashed. She has stated that a petition under Section 13- B of the Hindu Marriage Act has been filed and the same was pending for 22.03.2017. Statement of the petitioner in respect to the settlement was recorded.

As per report dated 16.03.2017, submitted by the learned Judicial Magistrate 1st Class, Bathinda, it is opined that the settlement in question is genuine, voluntary, arrived at out of the free will of the parties, without any coercion or undue influence. The petitioner is the sole accused in this case and

he is not a proclaimed offender and neither are any such proceedings against him pending.

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 the petitioner.

Learned counsel for the State on instructions from ASI Sukhbir Singh 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. 39 dated 12.12.2015 registered under Sections 406 and 498-A of the IPC at Police Station Women,

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Bathinda alongwith all consequential proceedings arising therefrom are hereby quashed.

(LISA GILL)
JUDGE

24.04.2017

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Whether speaking/reasoned : *Yes/No.*

Whether reportable : *Yes/No.*