

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

**CRM No. M-41208 of 2016
Date of decision: 01.03.2017**

Rajan Sareen

..... Petitioner.

Versus

State of Punjab and another

..... Respondents.

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: None for the petitioner.

Mr. K.D. Sachdeva, AAG, Punjab

Ms. Kaavya Jariyal, 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. 74 dated 09.09.2015 (**Annexure P-1**) registered under Sections 406 and 498-A of the Indian Penal Code (for short 'IPC') at Police Station Women, District Amritsar and all other consequential proceedings arising therefrom on the basis of an amicable settlement (**Annexure P-2**) arrived at between the parties.

The above said FIR was lodged on the basis of an application submitted by respondent No.2-Smt. Kanika, who was married to petitioner-Rajan Sareen, alleging commission of offences under Sections 406 and 498-A of the IPC qua the petitioner.

The above said FIR arises out of matrimonial discord between the petitioner and respondent No.2. Due to the intervention of respectables, elders and relatives, a compromise has been arrived at between the parties.

The parties wish to live in peace and harmony and put an end to the

acrimony between them. Present petition has been filed on the basis of this compromise.

It is submitted that the petitioner and respondent No. 2 are now living together at their matrimonial home.

This Court on 21.12.2016 directed the parties to appear before the learned Illaqa Magistrate/trial Court on 01.02.2017 for getting their statements recorded 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 petitioner is a proclaimed offender and whether any other case is pending against him. Information was sought as to whether all affected persons are party to the settlement.

Pursuant to order dated 21.12.2016, the parties appeared before the learned Judicial Magistrate 1st Class, Amritsar and their statements were recorded on 01.02.2017. Respondent No.2-Smt. Kanika has stated that the dispute between the parties has been amicably resolved with the intervention of relatives and respectables. The settlement has been arrived at out of her own free will, without any kind of pressure or influence. It is further stated by respondent No.2 that the compromise is genuine and she has no objection, what so ever, in case the above mentioned FIR is quashed qua the petitioner. Statement of the petitioner in respect to the settlement was also recorded.

As per report dated 06.02.2017, submitted by the learned Judicial Magistrate 1st Class, Amritsar, it is opined that the compromise arrived at between the parties is voluntary without any undue influence pressure or

coercion. It is the outcome of free will and consent of the parties. It is also noted that the petitioner is not 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 and the petitioner are now residing peacefully at their matrimonial home. Respondent No. 2 has no objection to the quashing of the above mentioned FIR against the petitioner.

Learned counsel for the State on instructions from HC Amrik Singh submits that the present being a matrimonial dispute the State has no objection to the quashing of this FIR on the basis of the 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”.

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 continuing the present proceedings. It will only lead to wastage of the precious time of the court and would be an exercise in futility.

This petition is, thus, allowed and FIR No.74 dated 09.09.2015 (**Annexure P-1**) registered under Sections 406 and 498-A of the IPC at Police

Station Women, District Amritsar alongwith all consequential proceedings arising therefrom are hereby quashed.

(LISA GILL)
JUDGE

01.03.2017

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Whether speaking/reasoned : *Yes/No.*

Whether reportable : *Yes/No.*