

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

CRM No. M-41269 of 2016

Date of decision: 01.02.2017

Gurpreet Singh

..... Petitioner.

Versus

State of Punjab and another

..... Respondents.

CORAM: HON'BLE MS. JUSTICE LISA GILL

Present: Mr. Jaswinder Singh Grewal, Advocate for the petitioner.

Mr. P.S.Paul, DAG, Punjab.

Ms. Manpreet Kaur Chauhan, 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. 90 dated 26.08.2015 (Annexure P-1) registered under Sections 406 and 498-A of the Indian Penal Code (for short 'IPC') at Police Station Sadar Abohar, District Fazilka 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 has been registered on the basis of a complaint submitted by respondent No.2- Smt. Amandeep Kaur alleging commission of offences under Sections 406 and 498-A IPC qua the petitioner.

Due to the intervention of respectables and family members, a compromise has been arrived at between the parties, which was reduced into writing on 09.11.2016 (Annexure P-2). 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.

This Court on 18.11.2016 had directed the parties to appear before learned trial court on 17.12.2016 for getting their statements recorded in respect to the above-mentioned compromise. Learned trial court was directed to submit a report regarding the genuineness of the compromise. Learned trial court was also directed to intimate regarding pendency of any proclamation proceedings against the petitioner.

Pursuant to order dated 18.11.2016, the parties appeared before the learned trial court and their statements were recorded on 17.12.2016. Smt. Amandeep Kaur (respondent No.2) stated that she has settled the matter with the accused on intervention of the respectables. The compromise has been effected out of her own free will, without any pressure or coercion. She has no grudge against the petitioner. It is further stated that she has no objection if the above said FIR against the petitioner, who is sole accused is quashed. Statement of the petitioner has also been recorded.

As per report dated 22.12.2016 by the learned Judicial Magistrate 1st Class Abohar it is noted that the compromise between the parties is genuine, arrived at out of their own free will, without any fear, apprehension, undue influence or coercion. The petitioner is the sole accused in this case. He is not a proclaimed offender though proclamation proceedings are pending in this case. Statements of the parties have been appended along with the report.

Ms. Manpreet Kaur Chauhan, learned counsel for the complainant-respondent No.2 affirms the factum of settlement between the parties. It is stated that respondent No. 2 has no objection to the quashing of above mentioned FIR qua the petitioner.

Learned counsel for the State, on instructions from HC Mohal Lal, 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. 90 dated 26.08.2015, registered under Sections 406 and 498-A IPC at Police Station Sadar, Abohar, District Fazilka alongwith all consequential proceedings are hereby quashed.

(LISA GILL)
JUDGE

01.02.2017
PA

Whether speaking/reasoned : *Yes/No.*

Whether reportable : *Yes/No.*