

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

CRM No. M-41847 of 2016

Date of decision: 31.05.2017

Manjit Singh and others

..... Petitioners.

Versus

State of Punjab and another

..... Respondents.

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Goldy Jakhar, Advocate, for
Mr. H.S. Brar, Advocate, for the petitioners.
Mr. Rajpreet Singh Sidhu, AAG, Punjab.
Mr. Abhishek Bhardwaj, 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. 115 dated 23.08.2011 (**Annexure P-1**) registered under Sections 406,498-A,363,120-B of the Indian Penal Code (for short 'IPC') at Police Station Laddowal, District Ludhiana 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 registered at the behest of respondent No. 2. The dispute arose between the parties because of matrimonial discord between petitioner No. 1 and respondent No.2

With the intervention of respectables, elders and relatives, the matter has been amicably resolved between the parties. It is submitted that petitioner No.1 and respondent No.2 have decided to part ways. The terms and conditions of the compromise were reduced into writing on 07.11.2016. The compromise is on record of this petition as Annexure P-2

This Court on 28.11.2016 directed the parties to appear before the learned Illaqa Magistrate/trial Court on 06.12.2016 for recording their

statements in respect to the above-mentioned compromise. Learned Illaqa Magistrate/trial Court was directed to submit a report regarding the genuineness of the compromise and to intimate regarding pendency of any proclamation proceedings against the party.

Pursuant to order dated 28.11.2016, the parties appeared before the learned Judicial Magistrate 1st Class, Ludhiana and their statements were recorded on 06.12.2016. Respondent No.2-Smt. Kanwaljeet Kaur stated that the matter has been amicably resolved with her husband as well as other petitioners. It is stated that a petition seeking divorce under Section 13-B of the Hindu Marriage Act stood filed by them before the learned District Judge, Ludhiana. The said petition is stated to be pending for 15.07.2017. Respondent No. 2 stated that she has no objection in case the above said FIR against the petitioners is quashed. Statements of all the petitioners in respect to the settlement were recorded.

As per report dated 14.12.2016, submitted by the learned Judicial Magistrate 1st Class, Ludhiana, the compromise between the parties is opined to be genuine, arrived at out of the free will of the parties, without any pressure or coercion. None of the petitioners are stated to be proclaimed offenders.

Learned counsel for the complainant/respondent No.2 reaffirms 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.

Learned counsel for the State on instructions from HC Manohar Lal 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. 115 dated 23.08.2011 registered under Sections 406,498-A,363,120-B of the IPC at Police Station Laddowal, District Ludhiana alongwith all consequential proceedings arising therefrom are hereby quashed. However, liberty is afforded to respondent No. 2 to file necessary application for revival of the proceedings in the above said FIR, in case the terms and conditions of settlement between the parties are not adhered to by the petitioners or it is found that the settlement was a mere ruse to have the aforesaid FIR quashed.

31.05.2017
PA

(LISA GILL)
JUDGE

Whether speaking/reasoned : Yes/No.
Whether reportable : Yes/No.