

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

Criminal Misc. M- No. 43752 of 2013 (O&M)

Date of decision : March 17, 2017

Varinder Kumar

.....Petitioner

Versus

Union Territory, Chandigarh and others

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Ms. Ekta Thakur, Advocate
for the petitioner.

Ms. Ashima Mor, Advocate
for U.T., Chandigarh.

Mr. Ranjit Saini, 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. 229 dated 02.05.2013 (**Annexure P-1**) registered under Sections 406 and 498-A of the Indian Penal Code (for short 'IPC') at Police Station Sector 34, Chandigarh and all other consequential proceedings arising therefrom on the basis of settlement arrived at between the parties before the District Judge, Ludhiana.

The above said FIR was registered at the behest of respondent No. 3. The dispute arose between the parties because of matrimonial discord between the petitioner and respondent No. 3.

The matter was amicably resolved between the parties. It is informed that petition under Section 13-B of the Hindu Marriage Act, 1955 preferred by the parties was allowed on 02.12.2013 (Annexure P-2).

Pursuant to orders dated 18.05.2016 and 29.07.2016 passed by this Court, the parties appeared before the learned Judicial Magistrate First Class, Chandigarh for recording of their statements in respect to the settlement between them. Respondent No. 3 appeared before the learned Judicial Magistrate First Class on 30.08.2016. It is stated by her that the matter has been amicably resolved by her with the petitioner. She has no grudge or enmity against the petitioner. The settlement arrived at between them is voluntary, without any kind of pressure or coercion. Respondent No. 3 has further stated that she has no objection to the quashing of the abovesaid FIR against the petitioner. She does not want to pursue the proceedings against the petitioner. Statement of the petitioner was recorded on 05.07.2016.

As per report dated 15.09.2016 submitted by the learned Judicial Magistrate First Class, Chandigarh, it is opined that the compromise between the parties is voluntary, without any undue influence, coercion or pressure. The petitioner is not a proclaimed offender and neither are any such proceedings pending against him.

Learned counsel for the complainant/respondent No.3 affirms and verifies the factum of settlement between the parties. It is submitted that there is no impediment to the quashing of the above mentioned FIR and respondent No. 3 has no objection, whatsoever, to the quashing of the above mentioned FIR qua the petitioner.

Learned counsel for the State on instructions from SI Rakesh

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 continuing 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. 229 dated 02.05.2013 (Annexure P-1) registered under Sections 406 and 498-A IPC at Police Station Sector 34, Chandigarh alongwith all consequential proceedings arising therefrom are hereby quashed.

(Lisa Gill)
Judge

March 17, 2017
rts

Whether speaking/reasoned : Yes

Whether reportable : Yes/No