

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

CRM-M-42045 of 2016 (O&M)

Date of Decision:07.11.2017

Davinder Routela and another

..... Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr.Harsh Garg, Advocate
for the petitioners.

Mr. Saurav Khurana, DAG, Punjab.

Mr. Pardeep Kapoor, Advocate
for respondent no.2.

LISA GILL, J(Oral).

Prayer in this petition is for quashing of FIR No.60 dated 07.05.2016, under Sections 406, 498-A IPC, registered at Police Station Women Cell, Ludhiana, along with all other consequential proceedings arising therefrom on the basis of settlement arrived at between the parties.

The above-said FIR was registered at the instance of respondent No.2 due to matrimonial discord with her husband i.e. Petitioner No.1. The matter was amicably resolved. Petitioner no.1 and respondent no.2 decided to part ways.

It is informed that petition under Section 13-B of the Hindu Marriage Act, 1955, has since been allowed on 17.05.2017 and the entire settled amount has been handed over to respondent no.2

and nothing remains due towards her.

This Court on 23.05.2017 directed the parties to appear before the learned trial court for recording of their statements in respect to the above-mentioned compromise. Learned trial court 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 trial court was also directed to intimate whether any of the petitioners are absconding/proclaimed offenders and whether any other case is pending against them. Information was sought as to whether all affected persons are a party to the settlement.

Pursuant to order dated 23.05.2017, the parties appeared before the learned Judicial Magistrate First Class, Ludhiana and their statements were recorded on 03.07.2017. Respondent No.2 stated that she has amicably resolved the matter with both the accused-petitioners. The settlement has been arrived at without any threat, inducement, coercion or pressure. Respondent No.2 stated that she has no objection to the quashing of the above-said FIR against the petitioners. Statements of the parties in respect to the compromise was also recorded.

As per report dated 11.08.2017, received from the learned Judicial Magistrate First Class, Ludhiana, it is opined that the settlement between the parties is genuine, voluntary, arrived at out of the free will of the parties, without any coercion or undue influence. None of the petitioners is reported to be a proclaimed offender. Statements of the parties are appended along with the said report.

Learned counsel for respondent No.2 reaffirms and verifies the factum of settlement between the parties. It is reiterated that respondent No.2 has no objection to the quashing of the above-mentioned FIR against the petitioners in view of the settlement between the parties.

Learned counsel for the State submits that as the above-said FIR arises out of a matrimonial dispute, the State has no objection to the quashing of this FIR on the basis of a settlement arrived at 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.

Keeping in view the facts and circumstances of this case, it would be in the interest of justice to quash the above-said FIR as no useful purpose would be served by continuance of the present proceedings. It will merely lead to wastage of precious time of the court and would be an exercise in futility.

This petition is, thus, allowed and FIR No.60 dated 07.05.2016, under Sections 406, 498-A IPC, registered at Police Station Women Cell, Ludhiana, along with all consequential proceedings are, hereby, quashed.

07.11.2017

s.khan

**[LISA GILL]
Judge**

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.