

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

Criminal Misc. No. M- 43014 of 2016(O&M)

Date of Decision: August 18 , 2017.

Jatinder Singh PETITIONER(s)

Versus

State of Punjab and another RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Piyush Chandel, Advocate
for the petitioner.

Mr. Karanbir Singh, AAG, Punjab.

None for respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.0086 dated 28.06.2016 under Section 498A IPC registered at Police Station Women Cell, District Jalandhar and all other consequential proceedings arising therefrom on the basis of compromise dated 24.10.2016 (Annexure P2) arrived at between the parties.

The abovesaid FIR was registered at the behest of respondent No.2 due to matrimonial discord with her husband i.e., the petitioner. With the intervention of respectables and relatives, a compromise has been arrived at between the parties, the terms of which were reduced into writing on 24.10.2016.

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

between them. The petitioner and respondent No.2 have decided to part ways.

This Court on 17.04.2017 directed the parties to appear before learned trial court/Illaqa Magistrate for recording their statements 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 trial court/Illaqa Magistrate 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 17.04.2017, the parties appeared before the learned Judicial Magistrate First Class, Jalandhar and their statements were recorded on 12.05.2017. Respondent No.2 stated that she has amicably resolved the matter with the petitioner. The settlement has been arrived at out of her own free will without any undue influence, pressure or coercion. She stated that there is no objection in case the abovesaid FIR against the petitioner, who is the sole accused, is quashed. Statement of the petitioner in respect to the settlement was recorded as well.

As per report dated 24.05.2017 received from the learned Judicial Magistrate First Class, Jalandhar it is opined that the compromise between the parties is genuine, without any pressure or coercion. The petitioner is stated to be the sole accused in this case and he is not reported to be a proclaimed offender. Photocopy of the statements of the parties are appended alongwith the said report.

Mr. Karan Garg, Advocate had appeared on behalf of respondent No.2 on 17.04.2017 and the factum of settlement between the parties was verified.

It is informed by learned counsel for the petitioner that the petition under Section 13B of the Hindu Marriage Act, 1955 filed by the parties has since been allowed. The entire settled amount has been handed over to respondent No.2.

Learned counsel for the State submits that as the abovesaid 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 abovesaid 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.0086 dated 28.06.2016

under Section 498A IPC registered at Police Station Women Cell, District Jalandhar alongwith all consequential proceedings 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 petitioner(s) or it is found that the settlement was a mere ruse to have the aforesaid FIR quashed.

August 18 , 2017.
'om'

(LISA GILL)
JUDGE

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