

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

CRM No. M-43692 of 2016

Date of decision: 31.05.2017

Appr Appar Singh @ Rimpa

..... Petitioner.

Versus

State of Punjab and another

..... Respondents.

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Ajay Kumar Sharma, Advocate, for the petitioner.

Mr. K.D. Sachdeva, Addl. A.G., Punjab.

None 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. 136 dated 13.12.2013 registered under Section 498-A of the Indian Penal Code (for short 'IPC') at Police Station Women, District Patiala and all other consequential proceedings arising therefrom on the basis of an amicable settlement arrived at between the parties.

It is submitted by the learned counsel for the petitioner that Section 406 of the IPC has been added subsequently on 28.12.2013. Due to an inadvertent mistake, this fact is not mentioned in the petition. Accordingly, Section 406 of the IPC is permitted to be incorporated in the head note and prayer clause of the petition.

Necessary correction be effected by the Registry.

The above said FIR was registered at the behest of respondent No. 2-Smt. Shama Rani. The dispute arose between the parties because of matrimonial discord between the petitioner and respondent No.2.

With the intervention of respectables, elders and relatives, the matter has been amicably resolved between the parties. The petitioner and respondent No.2 have decided to part ways. The terms and conditions of the compromise were reduced into writing on 02.04.2016. The compromise is on record of this petition as Annexure P-2.

This Court on 14.03.2017 directed the parties to appear before the learned trial Court on 05.04.2017 for recording 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 directed to intimate whether the petitioner is a proclaimed offender and whether any other case is pending against him.

Pursuant to order dated 14.03.2017, the parties appeared before the learned Judicial Magistrate 1st Class, Patiala and their statements were recorded on 05.04.2017. Respondent No.2-Smt. Shama Rani stated that the settlement is voluntary and without any influence from any quarter. It is further stated by her that she would suffer a statement at second motion in the petition under Section 13-B of the Hindu Marriage Act pending before the learned Additional District & Sessions Judge, Patiala. Respondent No. 2 categorically stated that she has no objection to the quashing of the above said FIR against the petitioner. Statement of the petitioner in respect to the settlement was recorded.

As per report dated 18.05.2017, submitted by the learned Judicial Magistrate 1st Class, Patiala, it is opined that the compromise between the parties is genuine, executed by the parties out of their free will and consent without any threat or pressure.

Respondent No. 2 had appeared in person before this Court on 14.03.2017 as well as 15.05.2017. She had affirmed and verified the factum of settlement arrived at between the parties. It is recorded on 15.05.2017 that the entire settled amount had been received by her and she had no objection to the quashing of the above said FIR against the petitioner.

Learned counsel for the State on instructions from ASI Gurdev Singh, Police Station Women Patiala, 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. 136 dated 13.12.2013 registered under Sections 498-A, 406 of the IPC (Section 406 of the IPC

added later) at Police Station Women, District Patiala alongwith all consequential proceedings arising therefrom are hereby quashed.

31.05.2017

PA

(LISA GILL)
JUDGE

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