

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

CRM No. M-43841 of 2016

Date of decision: 08.05.2017

Surjit Kaur and others

..... Petitioners.

Versus

State of Punjab and others

..... Respondents.

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Sarbjit Singh Grewal, Advocate, for the petitioners.

Mr. Rajpreet Singh Sidhu, AAG, Punjab

Ms. Nisha Malik, Advocate, for

Mr. Gurjit Singh Latheri, 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. 55 dated 19.06.2016 (**Annexure P-1**) registered under Sections 328, 498-A, 34 of the Indian Penal Code (for short 'IPC') at Police Station Sardulgarh, District Mansa, Punjab and all other consequential proceedings arising therefrom on the basis of an amicable settlement arrived at between the parties.

The above said FIR was registered on the statement of respondent No.2. The dispute arose between the parties because of matrimonial discord between petitioner No. 4 - Parmesharpal Singh and respondent No.3- Manpreet Kaur i.e. the daughter of the complainant (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.4 and respondent No. 3 are living together at their matrimonial home since November, 2016. The terms and conditions of the compromise were reduced into writing on 21.11.2016 (Annexure P-2 and P-3).

This Court on 24.01.2017 directed the parties to appear before the learned trial Court/Area Magistrate on 06.02.2017 for recording their statements in respect to the above-mentioned compromise. Learned trial court/Area 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 fear, apprehension, undue influence or coercion. Learned trial court/Area Magistrate was directed to intimate whether the petitioners are proclaimed offenders and whether any other case is pending against them.

Pursuant to order dated 24.01.2017, the parties appeared before the learned Sub Divisional Judicial Magistrate, Sardulgarh and their statements were recorded on 06.02.2017. Respondent No.3-Smt. Manpreet Kaur has stated that the matter has been amicably resolved between the parties. The settlement has been arrived at out of her own free will, without any fear, apprehension, undue influence or coercion. She has stated that there is no objection in case the above said FIR against all the petitioners is quashed. Similarly, complainant, respondent No. 2-Nachattar Singh has stated that the matter has been amicably settled and there is no objection to the quashing of the above said FIR. He has also reiterated that the settlement has been arrived at out of his own free will without any apprehension, undue influence or coercion. Statements of the petitioners in respect to the settlement were also recorded.

As per report dated 07.02.2017, submitted by the learned Sub Divisional Judicial Magistrate, Sardulgarh it is opined that the compromise between the parties is genuine, voluntary, arrived at without any coercion or undue influence. None of the petitioners are proclaimed offenders and no such

proceedings are pending against them. All the four accused in this case are petitioners before this Court.

Learned counsel for respondents No.2 and 3 reaffirms and verifies the factum of settlement between the parties. It is stated that respondents No. 2 and 3 have no objection, whatsoever, to the quashing of the above mentioned FIR qua all the petitioners.

Learned counsel for the State on instructions from ASI HC Satpal 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 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. 55 dated 19.06.2016 registered under Sections 328, 498-A,34 of the IPC at Police Station

Sardulgarh, District Mansa, Punjab alongwith all consequential proceedings arising therefrom are hereby quashed qua all the petitioners. However, liberty is afforded to the respondents 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.

(LISA GILL)
JUDGE

08.05.2017

PA

Whether speaking/reasoned : *Yes/No.*

Whether reportable : *Yes/No.*