

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

Crl. Misc. No. M- 44168 of 2016(O&M)

Date of Decision: April 3 , 2017.

Vikas Kumar and others PETITIONER(s)

Versus

State of Punjab and another RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Piyush Sharma, Advocate
for the petitioners.

Mr. K.D.Sachdeva, Addl.AG, Punjab.

Mr. J.S.Grewal, Advocate
for respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.359 dated 27.10.2013 under Sections 406/498A IPC registered at Police Station City Ferozepur, District Ferozepur and all other consequential proceedings arising therefrom on the basis of compromise dated 01.12.2016 (Annexure P2) arrived at between the parties.

The abovesaid FIR was registered at the behest of respondent No.2 – Babita Rani on account of matrimonial discord between petitioner No.1 and respondent No.2. With the intervention of respectables and relatives, a compromise has been arrived at between the parties, the terms of which were reduced in writing on 01.12.2016. The parties wish to live in peace and harmony and put an end to the acrimony between them. The present petition has

been filed on the basis of this compromise.

This Court on 09.12.2016 directed the parties to appear before learned trial court/Illaq Magistrate on 19.12.2016 for getting their statements recorded in respect to the above-mentioned compromise. Learned trial court/Illaq Magistrate was directed to submit a report regarding the genuineness of the compromise and intimate whether any other case or PO proceedings are pending against either of the parties.

Pursuant to order dated 09.12.2016, the parties appeared before the learned Chief Judicial Magistrate, Ferozepur and their statements were recorded on 19.12.2016. Respondent No.2 has stated that the matter has been amicably resolved with all the petitioners who are the accused in this case. It is stated that the settlement is genuine and voluntary. Respondent No.2 has further stated that a petition under Section 13B of the Hindu Marriage Act, 1955 has been filed. It is stated that she has no objection if the abovesaid FIR is quashed qua all the accused petitioners. A joint statement of all the petitioners in respect to the settlement was recorded as well.

As per report dated 02.01.2017 received from the learned Chief Judicial Magistrate, Ferozepur it is opined that the compromise between the parties is genuine, voluntary and arrived at out of the free will of the parties. None of the accused petitioners is a proclaimed offender. The statements of the parties have been appended alongwith 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 abovementioned FIR against all the petitioners.

Learned counsel for the State, on instructions from ASI Balwant Singh, 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 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.359 dated 27.10.2013 under Sections 406/498A IPC registered at Police Station City Ferozepur, District Ferozepur alongwith all consequential proceedings are, hereby, quashed.

April 3, 2017.
'om'

(**LISA GILL**)
JUDGE

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