

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

Criminal Misc. No.M- 44227 of 2016 (O&M)

Date of decision : December 05, 2017

Kanta Dhand and others

.....Petitioners

Versus

State of Punjab and another

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. S.S. Behl, Advocate
for the petitioners.

Mr. Saurav Khurana, DAG, Punjab.

None for respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No. 16 dated 09.06.2016 under Sections 406, 498A IPC registered at Police Station Women Ferozepur, District Ferozepur alongwith consequential proceedings arising therefrom on the basis of a compromise arrived at between the parties.

The abovesaid FIR was registered at the instance of respondent No.2 due to matrimonial discord with her husband i.e., petitioner No.3. Compromise has been arrived at between the parties before the Mediation and Conciliation Centre of this Court, the terms and conditions of which were reduced into writing on 02.12.2016 (Annexure P-2). The present petition has been filed on the basis of this compromise.

Learned counsel for the petitioner informs that petition under

Section 13B of the Hindu Marriage Act, 1955 filed by respondent No. 2 and petitioner No. 3 has since been allowed on 27.11.2017. The entire settled amount has since been handed over to respondent No. 2.

This Court on 23.02.2017 directed the parties to appear before learned Illaqa/Area Magistrate for recording their statements in respect to the above-mentioned compromise. Learned Illaqa/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 coercion, fear or undue influence. Learned Illaqa/Area 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.

Liberty was afforded to petitioner No. 3 to have his statement recorded through his power of attorney holder, Sh. Rakesh Dhand – his father/petitioner No. 2.

Pursuant to order dated 23.02.2017, the parties appeared before the learned Chief Judicial Magistrate, Ferozepur and their statements were recorded on 06.03.2017. Respondent No.2 stated that the matter has been amicably resolved with the intervention of respectables. Settlement has been arrived at out of her own free will, without any inducement, pressure, threat or coercion. It is stated that the settlement was arrived at the Mediation and Conciliation Centre of this Court on 02.12.2016. Respondent No.2 stated that she has no objection to the quashing of the abovesaid FIR qua the petitioners. Statements of petitioners No. 1 and 2 in respect to the compromise were also recorded. Statement of petitioner No. 3 through his

power of attorney was recorded. Statement of ASI Mohinder Singh, Police Station Women, Ferozepur was recorded to the effect that none of the petitioners are proclaimed offender.

As per report dated 15.03.2017 received from the learned Chief Judicial Magistrate, Ferozepur, it is opined that compromise between the parties is valid, genuine, arrived at out of free will of the parties. None of the petitioners is reported to be a proclaimed offender. Statements of the parties are appended alongwith the said report.

Ms. Ekta Thakur, learned counsel for respondent No.2 had appeared on 23.02.2017. She had affirmed and verified the factum of settlement between the parties while stating that respondent No.2 has no objection to the quashing of the abovementioned FIR.

Learned counsel for the State, on instructions from ASI Jagtar 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 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. 16 dated 09.06.2016 under Sections 406, 498A IPC registered at Police Station Women Ferozepur, District Ferozepur alongwith all consequential proceedings are, hereby, quashed.

December 05, 2017
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No