

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

CRM No. M-44319 of 2016

Date of decision: 02.03.2017

Sachin Sharma @ Sunny and anr.

..... Petitioners.

Versus

State of Punjab and another

..... Respondents.

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Sandeep Arora, Advocate, for the petitioner.

Mr. K.D. Sachdeva, AAG, 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. 84 dated 21.12.2015 (**Annexure P-1**) registered under Sections 406 and 498-A of the Indian Penal Code (for short 'IPC') at Police Station Women Cell, District Jalandhar 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 at the behest of respondent No.2- Smt. Shilpi, who was married to petitioner No.1- Sachin Sharma @ Sunny , alleging commission of offences under Sections 406 and 498-A of the IPC qua the petitioners.

The above said FIR arises out of matrimonial discord between petitioner No.1 and respondent No.2. Due to the intervention of respectables, elders and relatives, a compromise has been arrived at between the parties. The parties wish to live in peace and harmony and put an end to the acrimony between them. Present petition has been filed on the basis of this compromise.

It is submitted that that petitioner No.1 and respondent No. 2 preferred a petition under Section 13-B of the Hindu Marriage Act, 1955. The said petition has been allowed by the learned Additional District Judge, Jalandhar on 30.09.2016 (Annexure P-3).

This Court on 12.12.2016 directed the parties to appear before the learned Illaqa Magistrate/trial Court on 20.12.2016 for getting their statements recorded in respect to the above-mentioned compromise. Learned trial Court/Illaqa Magistrate was directed to submit a report regarding the genuineness of the compromise and to intimate regarding pendency of any proclamation proceedings against the parties.

Pursuant to order dated 12.12.2016, the parties appeared before the learned Judicial Magistrate 1st Class, Jalandhar and their statements were recorded on 20.12.2016. Respondent No.2- Smt. Shilpi has stated that she has amicably resolved the dispute with the petitioners. The settlement has been arrived at out of her own free will, without any threat, inducement, coercion or any pressure. The petition filed by her and her husband under Section 13-B of the Hindu Marriage Act, has been allowed on 30.09.2016. Respondent No. 2 has stated that she does not wish to proceed any further in this case and she has no objection to the quashing of above said FIR qua both the petitioners. Statements of the petitioners in respect to the compromise have also been recorded.

As per report dated 23.12.2016, submitted by the learned Judicial Magistrate 1st Class, Jalandhar, it is mentioned that the compromise between the parties is genuine and has been arrived at without any kind of pressure or force. None of the petitioners are proclaimed offenders in this case and as per record no other case is pending against the parties.

Learned counsel for the State on instructions from HC Sohan Lal affirms and verifies that a settlement has indeed been arrived at between the parties and their statements have been recorded on 20.12.2016 before the learned Judicial Magistrate 1st Class, Jalandhar. He further submits that the present being a matrimonial dispute the State has no objection to the quashing of this FIR on the basis of the settlement between the parties.

Learned counsel for the petitioner submits that respondent No. 2 has appeared before the learned Family Court pursuant to which divorce has been granted. She has appeared before the learned Judicial Magistrate 1st Class, Jalandhar as well. Report dated 23.12.2016 is on record. Therefore, non-appearance of respondent No. 2 at this stage would not be an impediment to the quashing of the abovesaid FIR.

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”.

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 continuing the present proceedings. It will only lead to wastage of the precious time of the court and would be an exercise in futility.

This petition is, thus, allowed and FIR No. 84 dated 21.12.2015 registered under Sections 406 and 498-A of the IPC at Police Station Women Cell, District Jalandhar alongwith all consequential proceedings arising

therefrom are hereby quashed. However, liberty is afforded to respondent No. 2 to file appropriate application in this matter in case the factual position mentioned hereinabove is not correct.

(LISA GILL)
JUDGE

02.03.2017
PA

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