

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

Crl. Misc. No. M- 44362 of 2016(O&M)

Date of Decision: April 3 , 2017.

Sunil Grover PETITIONER(s)

Versus

Union Territory, Chandigarh and another RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Kuldip S.Chaudhary, Advocate
for the petitioner.

Ms. Ashima Mor, APP, U.T. Chandigarh.

Mr. Rajeev Gupta, Advocate
for respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.229 dated 01.05.2015 under Sections 498A/406 IPC registered at Police Station South Sector 34, Chandigarh and all other consequential proceedings arising therefrom on the basis of compromise dated 29.08.2016 (Annexure P2) arrived at between the parties.

The abovesaid FIR was registered on a complaint submitted by respondent No.2 on account of matrimonial discord with her husband i.e. the petitioner. During the pendency of this matter before the learned trial court, a compromise has been arrived at between the parties before the Mediation and Conciliation Centre, District Courts at Chandigarh, the terms of which were

reduced in writing on 29.08.2016. 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 13.12.2016 directed the parties to appear before learned trial court/Illaqa Magistrate on 21.12.2016 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 intimate whether any other case or PO proceedings are pending against either of the parties.

Pursuant to order dated 13.12.2016, the parties appeared before the learned Judicial Magistrate First Class, Chandigarh and a joint statement of the complainant and the petitioner was recorded on 21.12.2016 to the effect that the matter has been amicably resolved between them. It is further stated that the settlement has been arrived at out of their free will, without any threat or coercion. Respondent No.2 has stated that she has no objection to the quashing of the abovesaid FIR qua the petitioner.

As per report dated 04.01.2017 received from the learned Judicial Magistrate First Class, Chandigarh it is opined that that the compromise between the parties is voluntary, without any pressure/coercion from any quarter. The petitioner is not a proclaimed offender in this case. A photocopy of the joint statement of the parties has 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 respondent – U.T. Chandigarh 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.229 dated 01.05.2015 under Sections 498A/406 IPC registered at Police Station South Sector 34, Chandigarh alongwith all consequential proceedings are, hereby, quashed.

April 3 , 2017.
'om'

(LISA GILL)
JUDGE

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