

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

CRM No. M-44398 of 2016

Date of decision: 07.03.2017

Baljinder Kumar and others

..... Petitioners.

Versus

State of Punjab and another

..... Respondents.

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. K.S. Brar, Advocate for the petitioners.

Mr. Rajpreet Singh Sidhu, AAG, Punjab.

Mr. Gagandeep Singh Simble, Advocate, for
Mr. Iqbal Singh Mann, 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. 62 dated 31.03.2014 registered under Sections 406 and 498-A of the Indian Penal Code (for short 'IPC') at Police Station City Rupnagar and all other consequential proceedings arising therefrom on the basis of a compromise dated 11.11.2016 (Annexure P-2) arrived at between the parties.

The above said FIR was registered on an application submitted by respondent No. 2- Smt. Sandeep Kaur, who was married to petitioner No.1- Baljinder Kumar, 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. With the intervention of respectables, elders and relatives, a compromise has been arrived at between the parties. The terms and conditions of the compromise were reduced into writing on 11.11.2016 (Annexure P-2) 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 informed that a petition under Section 13-B of the Hindu Marriage Act, 1955 for divorce by mutual consent was filed by petitioner No.1 and respondent No. 2. Statements of the parties at first motion have been recorded and the said petition is pending for 22.05.2017 for recording of their statements at second motion.

This Court on 14.12.2016 directed the parties to appear before the learned trial Court/Illaqa Magistrate on 22.12.2016 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 party.

Pursuant to order dated 14.12.2016, the parties appeared before the learned Judicial Magistrate 1st Class, Ropar and their statements were recorded on 16.01.2017. Respondent No.2-Smt. Sandeep Kaur has stated that a compromise has been arrived at with all the three accused, who are the petitioners in this case. She has stated that compromise dated 11.11.2016 has been arrived at out of her own free will and volition, without any kind of threat coercion or pressure. Respondent No. 2 has further stated that she has no objection to the quashing of the above mentioned FIR qua all the accused-petitioners. A joint statement of all the petitioners was also recorded.

As per report dated 18.01.2017, submitted by the learned Judicial Magistrate 1st Class, Rupnagar, it is opined that the compromise arrived at between the parties is genuine. It has been arrived at voluntarily between them,

without any kind of coercion or undue influence. None of the petitioners are proclaimed offenders and neither is there any case pending against them.

Learned counsel for the complainant/respondent No.2 affirms and verifies the factum of settlement between the parties. It is reiterated that respondent No.2 has no objection to the quashing of the above mentioned FIR qua all the petitioners.

Learned counsel for the State on instructions from HC Jaswinder Singh 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.

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 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. 62 dated 31.03.2014 registered under Sections 406 and 498-A of the IPC at Police Station City Rupnagar alongwith all consequential proceedings arising therefrom are hereby quashed.

07.03.2017

PA

(LISA GILL)
JUDGE

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