

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

Crl. Misc. No. M-44543 of 2016

Date of Decision : September 29, 2017

Hemant Kumar and AnotherPetitioners

Versus

State of Punjab and Another Respondents

CORAM : HON'BLE MRS. JUSTICE LISA GILL

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

Mr. Karan Bir Singh AAG, Punjab.

Mr. Mukesh Kumar Bhatnagar, Advocate
for respondent No.2.

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LISA GILL, J. (Oral)

Prayer in this petition is for quashing of FIR No.33 dated 12.10.2012 under Sections 498-A/406 IPC registered at Police Station Mehla Police District Bathinda along with all other consequential proceedings arising therefrom on the basis of a compromise dated 29.11.2016 (Annexure P2).

The above-said FIR was registered at the instance of respondent No.2 due to matrimonial discord with her husband i.e. Petitioner No.1. The matter was amicably resolved. The terms and conditions of settlement were reduced into writing on 29.11.2016 (Annexure P-2).

It is informed that petitioner No.1 and respondent No.2 filed a petition under Section 13-B of the Hindu Marriage Act, 1955 which has since been allowed on 03.07.2017. The entire settled amount has been

received by respondent No.2 and all her claims qua the petitioners stand satisfied.

Pursuant to order dated 27.01.2017, the parties appeared before the learned trial Court on 03.03.2017 and their statements were recorded. Respondent No.2 stated that the matter has been amicably resolved with the intervention of relatives and friends. It is stated that petition under Section 13-B of the Hindu Marriage Act, 1955 has been filed by her and her husband. She has received a total amount of ₹09 lakhs as full and final settlement of all her claims-past, present and future qua the petitioners. Respondent No.2 categorically stated that she has no objection in case the above-said FIR is quashed against all the accused-petitioners. Statements of the petitioners in respect to the settlement were recorded as well.

As per report dated 03.03.2017 received from the learned Judicial Magistrate 1st Class, Bathinda, it is opined that the compromise between the parties is genuine, voluntary, arrived at out of their free will and without any coercion or undue influence. None of the petitioners are reported to be proclaimed offenders. Statements of the parties are appended along with 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 above mentioned FIR as per the terms and conditions of the settlement arrived at between the parties.

Learned counsel for the State submits that as the above-said FIR arises out of a matrimonial dispute, the State has no objection to the quashing of the FIR in question as well as all consequential proceedings 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 above-said 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. 33 dated 12.10.2012 under Sections 498-A/406 IPC registered at Police Station Mehla Police District Bathinda along with all consequential proceedings are, hereby, quashed.

29.09.2017
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(LISA GILL)
JUDGE

Note: Whether speaking/reasoned
Whether Reportable:

Yes / No
Yes / No