

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

CRM No. M-44926 of 2016

Date of decision: 30.05.2017

Gurpreet Singh

..... Petitioner.

Versus

State of Punjab and another

..... Respondents.

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Sham Lal Bhalla, Advocate, for the petitioner.

Mr. K.D. Sachdeva, Addl.A.G., Punjab.

Mr. Saranpreet Gurna, 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. 36 dated 30.04.2016 (**Annexure P-1**) registered under Sections 406 and 498-A of the Indian Penal Code (for short 'IPC') at Police Station Mulepur, District Fatehgarh Sahib and all other consequential proceedings arising therefrom on the basis of an amicable settlement arrived at between the parties before the Mediation and Conciliation Centre, Fatehgarh Sahib on 26.09.2016.

The above said FIR was registered at the behest of respondent No. 2. The dispute arose between the parties because of matrimonial discord between the petitioner and respondent No.2.

As noted above, the matter was amicably resolved between the parties before the Mediation and Conciliation Centre, Fatehgarh Sahib. The petitioner and respondent No.2 have decided to part ways. The terms and conditions of the compromise were reduced into writing on 26.09.2016. The compromise is on record of this petition as Annexure P-2. Petition under Section 13- B of the Hindu Marriage Act preferred by the petitioner and respondent No. 2 has since been allowed on 10.04.2017.

This Court on 21.03.2017 directed the parties to appear before the learned Illaqa Magistrate on 10.04.2017 for recording their statements in respect to the above-mentioned compromise. Learned Illaqa 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 threat, coercion or undue pressure. Learned Illaqa Magistrate was directed to intimate whether the petitioner is a proclaimed offender and whether any other case is pending against him.

Pursuant to order dated 21.03.2017, the parties appeared before the learned Judicial Magistrate 1st Class, Fatehgarh Sahib and their statements were recorded on 10.04.2017. Respondent No.2-Smt. Amandeep Kaur stated that the matter has been amicably resolved with the petitioner, who is the sole accused. The settlement has been arrived at out of her own free will and volition, without any inducement, threat or coercion. Respondent No. 2 stated that she has no objection, whatsoever to the quashing of the above said FIR against the petitioner. Statement of the petitioner in respect to the settlement was recorded.

As per report dated 01.05.2017, submitted by the learned Judicial Magistrate 1st Class, Fatehgarh Sahib, it is opined that that the settlement between the parties is genuine, arrived at out of the free will and volition of the parties, without any inducement, threat or coercion. The petitioner is the sole accused. He is not a proclaimed offender and neither are any such proceedings pending against him.

Learned counsel for the complainant/respondent No.2 reaffirms and verifies the factum of settlement between the parties. It is stated that respondent No. 2 has no objection, whatsoever, to the quashing of the above mentioned FIR.

Learned counsel for the State submits that the present being a matrimonial dispute, there can be no objection to the quashing of this FIR on the basis of a 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 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. 36 dated 30.04.2016 registered under Sections 406 and 498-A of the IPC at Police Station Mulepur, District Fatehgarh Sahib alongwith all consequential proceedings arising therefrom are hereby quashed.

30.05.2017

PA

(LISA GILL)
JUDGE

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