

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

CRM No. M-45026 of 2016

Date of decision:30.05.2017

Ajay Kumar Singiwal and others **Petitioners.**

Versus

State of Punjab and another **Respondents.**

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. D.S. Randhawa, Advocate, for the petitioners.

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

Mr. Yadwinder Sharma, 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. 100 dated 24.10.2015 (**Annexure P-1**) registered under Sections 406,498-A,494,120-B of the Indian Penal Code (for short 'IPC') at Police Station Mehla, District Ludhiana and all other consequential proceedings arising therefrom on the basis of an amicable settlement (**Annexure P-2**) arrived at between the parties.

The above said FIR was registered on an application submitted by respondent No.2 because of matrimonial discord with her husband i.e. petitioner No. 1.

With the intervention of respectables, elders and relatives, the matter has been amicably resolved between the parties. It is submitted that petitioner No.1 and respondent No.2 are now living together at their matrimonial home. The terms and conditions of the compromise were reduced into writing on 04.11.2016. The compromise is on record of this petition as Annexure P-2.

This Court on 16.12.2016 directed the parties to appear before the learned Illaqa Magistrate/trial Court on 22.12.2016 for recording their

statements in respect to the above-mentioned compromise. Learned Illaqa Magistrate/trial Court was directed to submit a report regarding the genuineness of the compromise and to intimate regarding pendency of any proclamation proceedings against any of the party.

Pursuant to order dated 16.12.2016, the parties appeared before the learned Judicial Magistrate 1st Class, Ludhiana and their statements were recorded on 22.12.2016. Respondent No.2-Smt. Sheebo stated that the above said FIR was registered due to certain misunderstandings with the petitioners. The matter has, however, been amicably resolved with the intervention of respectable members of society. It is stated by respondent No. 2 that she has no objection to the quashing of the above said FIR against all the petitioners. The settlement, it is stated, is arrived at out of her own free will, without any pressure or coercion. Statements of all the petitioners in respect to the settlement was recorded.

As per report dated 06.03.2017, submitted by the learned Judicial Magistrate 1st Class, Ludhiana, it is opined that the compromise arrived at between the parties is genuine and without any pressure or coercion from any corner. None of the petitioners are proclaimed offenders.

Learned counsel for the complainant/respondent No.2 affirms 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 qua all the petitioners.

Learned counsel for the State on instructions from ASI Ravinder Kumar, Police Station Women, Ludhiana submits that the present being a matrimonial dispute, the State has 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. 100 dated 24.10.2015 registered under Sections 406,498-A, 494,120-B of the IPC at Police Station Mehla, District Ludhiana alongwith all consequential proceedings arising therefrom are hereby quashed. However, liberty is afforded to respondent No. 2 to file necessary application for revival of the proceedings in the above said FIR, in case the terms and conditions of settlement between the parties are not adhered to by the petitioners or it is found that the settlement was a mere ruse to have the aforesaid FIR quashed.

(LISA GILL)
JUDGE

30.05.2017
PA

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