

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

Criminal Misc. No. M- 45513 of 2016(O&M)

Date of Decision: August 31 , 2017.

Sandeep Singh Sekhon and others PETITIONER(s)

Versus

State of Punjab and another RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

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

Mr. Davinder Bir Singh, DAG, Punjab.

None for respondent No.2.

LISA GILL, J.

CRM No.23909 of 2017

Annexure P4 i.e., copy of order dated 08.07.2017 passed by the learned Lok Adalat, Jagraon is taken on record subject to just exceptions. Filing of certified copy thereof is dispensed with.

CRM is disposed of.

CRM No.M-45513 of 2016

Prayer in this petition is for quashing of FIR No.0007 dated 07.05.2016 under Sections 406/498A IPC registered at Police Station Women, District Ludhiana Rural and all other consequential proceedings arising therefrom on the basis of a compromise arrived at between the parties.

The abovesaid FIR was registered at the instance of respondent No.2 due to matrimonial discord with her husband i.e., petitioner No.1. With the intervention of respectables and relatives, the matter has been amicably resolved between the parties. Petitioner No.1 and respondent No.2 decided to part ways. Petition under Section 13B of the Hindu Marriage Act, 1955 (for short, the 'HMA') has since been allowed on 29.03.2017 (Annexure P3). The entire settled amount, it is noted, has been received by respondent No.2.

This Court on 20.12.2016 directed the parties to appear before learned trial court for recording their statements in respect to the above-mentioned compromise. Learned trial court was directed to submit a report regarding the genuineness of the compromise and also to intimate whether any other case or proceedings for declaring either of the parties to be proclaimed offenders are pending.

Pursuant to the abovesaid order dated 20.12.2016, the parties appeared before the learned Sub Divisional Judicial Magistrate, Jagraon and their statements were recorded on 24.03.2017. Respondent No.2 stated that she has compromised the matter with all the accused persons with the intervention of respectables. Full and final settlement of all her claims – past, present and future i.e., a sum of ₹6,00,000/- was received by her. Out of said amount, a sum of ₹1,50,000/- was received by her at the time of recording statements of the parties at first motion in petition under Section 13B HMA and the remaining amount of ₹4,50,000/- by way of a demand draft dated 22.03.2017 was received by her on 24.03.2017 at the time of recording of the statements at second motion in the aforementioned petition. Respondent No.2 stated that the settlement has been

arrived at with the accused persons out of her own free will without any pressure, fear or coercion and she has no objection in case the abovesaid FIR against the accused petitioners is quashed. Joint statement of the petitioners in respect to the settlement was recorded as well.

As per report dated 28.03.2017 received from the learned Sub Divisional Judicial Magistrate, Jagraon satisfaction has been expressed that the compromise between the parties is genuine, arrived at out of free will of the parties without any pressure, fear or coercion in any manner. None of the petitioners are reported to be proclaimed offenders neither are any such proceedings pending against them. Statements of the parties are appended alongwith the said report.

During the pendency of this petition, a cancellation report was presented. The matter was put up before the Lok Adalat, Jagraon after issuance of notice to the complainant/respondent No.2. The complainant/respondent No.2 appeared before the Lok Adalat and suffered a statement that as divorce was granted to the parties, she did not wish to proceed further with the case and she has no objection if the cancellation report is accepted. However, cancellation report was not accepted on the ground that the offences punishable under Sections 498A/406 IPC are not compoundable. Therefore it was directed by the Lok Adalat on 08.07.2017 (Annexure P4) that the matter be returned to the Investigating Agency with a direction to further investigate the matter properly and file appropriate final report as per the law.

Learned counsel for the State submits that as the abovesaid 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 abovesaid 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.0007 dated 07.05.2016 under Sections 406/498A IPC, registered at Police Station Women, District Ludhiana Rural alongwith all consequential proceedings including order dated 08.07.2017 are, hereby, quashed.

August 31, 2017.
'om'

(**LISA GILL**)
JUDGE

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