

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

**CRM No. M-45643 of 2016
Date of decision: 16.03.2017**

Gursimran Singh and others

..... Petitioners.

Versus

State of Punjab and another

..... Respondents.

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Sandeep Godara, Advocate, for the petitioners.

Mr. Arshdeep S. Kler, DAG, Punjab

Mr. Dinesh Saini, Advocate, for
Mr. Ajay Pal Singh Rehan, 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. 127 dated 15.11.2016 (**Annexure P-1**) registered under Sections 498-A, 406 and 120-B of the Indian Penal Code (for short 'IPC') at Police Station Dhariwal, District Gurdaspur 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 at the behest of respondent No. 2-Smt. Kulpreet Kaur. The dispute arose between the parties because of matrimonial discord between petitioner No. 1- Gursimran Singh and respondent-Smt. Kulpreet Kaur.

With the intervention of respectables, elders and relatives, the matter has been amicably resolved between the parties as is reflected in compromise dated 14.12.2016 (**Annexure P-2**). It is submitted that

petitioner No.1 and respondent No. 2 are residing together in a peaceful manner at their matrimonial home.

This Court on 21.12.2016 directed the parties to appear before the learned Illaqa Magistrate on 09.01.2017 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 to intimate regarding pendency of any proclamation proceedings against the party.

Pursuant to order dated 21.12.2016, the parties appeared before the learned Chief Judicial Magistrate, Gurdaspur and their statements were recorded on 09.01.2017. Respondent No.2-Smt. Kulpreet Kaur has stated that the matter has been amicably resolved between the parties. The settlement is arrived at voluntarily, without any coercion or undue influence. She has stated that there is no objection on her part for quashing of the aforementioned FIR against all the accused/petitioners. Joint statement of all the petitioners in respect to the settlement was recorded.

As per report dated 18.01.2017, submitted by the learned Chief Judicial Magistrate, Gurdaspur, the compromise between the parties is opined to be genuine. As per the said report, none of the petitioners are proclaimed offenders and no other case is pending between the parties.

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 and petitioner No. 1 are living together at their matrimonial home. 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 Satpal Singh 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 continuing 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. 127 dated 15.11.2016 registered under Sections 498-A, 406 and 120-B of the IPC at Police Station Dhariwal, District Gurdaspur alongwith all consequential proceedings arising therefrom are hereby quashed.

(LISA GILL)
JUDGE

16.03.2017
PA

Whether speaking/reasoned : *Yes/No.*

Whether reportable : *Yes/No.*