

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

Criminal Misc. M- No. 4490 of 2017 (O&M)

Date of decision : July 17, 2017

Ajaib Singh and others

.....Petitioners

Versus

State of Punjab and others

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Nikhil Bhatia, Advocate for
Mr. Sant Pal Singh Sidhu, Advocate
for the petitioners.

Mr. Karambir Singh, AAG, Punjab.

Mr. Parampreet Singh Bajwa, Advocate
for respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.23, dated 13.12.2011 registered under Sections 406,498-A,506,120-B of the Indian Penal Code ('IPC' - for short) at Police Station Women Cell, Ludhiana, District Ludhiana on the basis of a compromise arrived at between the parties.

The abovesaid FIR was registered at the behest of respondent No.2, who is the father-in-law of petitioner No. 4. The daughter of respondent No. 2 was married to petitioner No. 4. The above said FIR was registered due to matrimonial discord between them. With the intervention of respectables and relatives, a compromise has been arrived at between the

parties, the terms of which were reduced into writing on 22.12.2016 (Annexure P-2). The parties wish to live in peace and harmony and put an end to the acrimony between them. It is informed that petitioner No. 4 and his wife i.e. the complainant's daughter have parted ways. Decree of divorce has been granted in Canada. Both of them are presently in Canada. The entire amount due in terms of the settlement has been received by her. The present petition has been filed on the basis of this compromise.

This Court on 27.04.2017 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, as to whether it has been arrived at out of the free will and volition of the parties without any coercion, fear or undue influence. Learned trial court was also directed to intimate whether any of the petitioners are absconding/proclaimed offenders and whether any other case is pending against them. Information was sought as to whether all affected persons are a party to the settlement.

Pursuant to order dated 27.04.2017, the parties appeared before the learned Judicial Magistrate First Class, Ludhiana 29.04.2017. Liberty was afforded for recording of statement of the affected person i.e. daughter of respondent No. 2 through her Special Power of Attorney i.e. her father – Amrik Singh. Amrik Singh is also the complainant in this case and is duly arrayed as respondent No. 2. Statements of petitioners No. 2 to 4 were permitted to be recorded through their Special Power of Attorney Holder, Ajaib Singh – petitioner No. 1. The said parties undertake to be bound by the statements made on their behalf by their respective Power of Attorney holders.

Respondent No. 2 stated that he is the complainant in this case. The matter has been amicably resolved between the parties. Compromise deed (Ex.C1) was placed on record. He also produced the original Power of Attorney executed by his daughter in his favour. Respondent No. 2 stated that the entire settled amount due from petitioner No. 4 has been duly received by him and his daughter. It is further stated that the complainant as well as his daughter have no objection to the quashing of the abovesaid FIR against all the accused petitioners. The settlement has been arrived at without any kind of pressure or undue influence. Statement of all the petitioners in respect to the settlement was also recorded.

As per report dated 29.04.2017 received from the learned Judicial Magistrate First Class, Ludhiana, it is opined that compromise between the parties is genuine, voluntary and arrived at without any pressure, coercion or undue influence. None of the petitioners are stated to be proclaimed offenders. Statements of the parties are appended alongwith the said report.

Learned counsel for respondent No.2 affirms and verifies the factum of settlement between the parties. It is reiterated that respondent No.2 has no objection to the quashing of the abovementioned FIR against all the accused petitioners.

Learned counsel for the State, on instructions from ASI Tarsem Singh, submits that as the abovesaid FIR arises out of a matrimonial dispute, the State has no objection to the quashing of this FIR 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.23, dated 13.12.2011 registered under Sections 406,498-A,506,120-B of IPC at Police Station Women Cell, Ludhiana, District Ludhiana alongwith all consequential proceedings are, hereby, quashed.

July 17, 2017
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No