

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

**CRM No. M-45814 of 2016
Date of decision: 16.03.2017**

Gurdeep Singh and others **Petitioners.**

Versus

State of Punjab and others **Respondents.**

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Kartik Gupta, Advocate, for the petitioners.

Mr. Arjinder Singh Sidhu, AAG, Punjab

Mr. H.S. Oberoi, Advocate, for respondents No.2 and 3.

LISA GILL, J.

This petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of FIR No. 99 dated 12.09.2016 (**Annexure P-1**) registered under Sections 498-A, 406 and 506 of the Indian Penal Code (for short 'IPC') (Section 406 of the IPC added later) at Police Station Women, District Patiala 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-Sh. Gagandeep Singh i.e the father of respondent No.3- Smt. Vineet Kaur Ahuja. The dispute arose between the parties because of matrimonial discord between petitioner No. 1-Gurpreet Singh and respondent No.3-Smt. Vineet Kaur Ahuja.

With the intervention of respectables, elders and relatives, the matter has been amicably resolved between the parties. The terms and conditions of the settlement are reflected in document/documents dated 14.12.2016 (**Annexure P-2** collectively).

This Court on 21.12.2016 directed the parties to appear before the learned Illaqa Magistrate/trial Court on 25.01.2017 for recording their statements in respect to the above-mentioned compromise. Learned trial Court/Illaqa Magistrate 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 Judicial Magistrate 1st Class, Patiala and their statements were recorded on 25.01.2017. Respondents No.2 and 3 stated that the matter has been resolved amicably. The settlement has been arrived at voluntarily, out of their own free will, without any kind of pressure, threat or coercion. It is submitted that they have no objection, whatsoever if the above mentioned FIR is quashed qua all the accused/petitioners. A petition under Section 13- B of the Hindu Marriage Act is stated to have been filed. Statements of parties at first motion have been recorded and the matter is pending for 10.07.2017. It is also noted that the petition under Section 9 of the Hindu Marriage Act, preferred by petitioner No. 1 will be withdrawn by him. It is informed that the said petition stands withdrawn. Joint statement of all the petitioners in respect to the settlement was recorded.

As per report dated 27.02.2017, submitted by the learned Judicial Magistrate 1st Class, Patiala it is opined that the compromise between the parties is genuine, arrived at out of their own free will, consent, without any kind of threat or pressure. None of the petitioners are proclaimed offenders.

Learned counsel for respondents No.2 and 3 affirms and verifies the factum of settlement between the parties. It is submitted that respondents

No. 2 and 3 have no objection, whatsoever, to the quashing of the aforementioned FIR qua all the petitioners

Learned counsel for the State 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. 99 dated 12.09.2016 registered under Sections 498-A, 406 and 506 of the IPC at Police Station Women, District Patiala alongwith all consequential proceedings arising therefrom are hereby quashed.

16.03.2017

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(LISA GILL)
JUDGE

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