

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

**CRM No. M-46134 of 2016
Date of decision: 07.04.2017**

Manoj Kumar

..... Petitioner.

Versus

State of Punjab and another

..... Respondents.

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. P.K.S Phoolka, Advocate, for the petitioner.

Mr. Rajpreet Singh Sidhu, AAG, Punjab.

Mr. Vaibhav Jain, 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. 28 dated 27.02.2016 registered under Sections 498-A and 406 of the Indian Penal Code (for short 'IPC') at Police Station Women Cell, Ludhiana, District Ludhiana and all other consequential proceedings arising therefrom on the basis of an amicable settlement arrived at between the parties.

The above said FIR was registered at the behest of respondent No. 2-Smt. Meenu Rani. The dispute arose between the parties because of matrimonial discord between the petitioner and respondent No.2.

With the intervention of respectables, elders and relatives, the matter has been amicably resolved between the parties. It is informed that the petitioner and respondent No.2 have decided to part ways. The petition under Section 13- B of the Hindu Marriage Act, filed by the petitioner and respondent No.2 has since been allowed on 15.11.2016.

This Court on 22.02.2017 directed the parties to appear before the learned trial Court on 07.03.2017 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, 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 directed to intimate whether the petitioner is a proclaimed offender and whether any other case is pending against him.

Pursuant to order dated 22.02.2017, respondent No.2- Smt. Meenu Rani appeared before the learned Judicial Magistrate 1st Class, Ludhiana on 07.03.2017 and the petitioner appeared on 14.03.2017. Respondent No.2 has stated that she has amicably resolved the matter with the accused-petitioner. Their petition under Section 13- B of the Hindu Marriage Act has since been allowed on 15.11.2016. The settlement has been arrived at out of her own free will, without any fear, apprehension coercion or undue influence. Respondent No. 2 has stated that she has no objection in case the above said FIR against the petitioner is quashed. Statement of the petitioner in respect to the settlement was recorded.

As per report dated 30.03.2017, submitted by the learned Judicial Magistrate 1st Class, Ludhiana it is opined that the compromise between the parties is genuine. It has been effected out of their own free will, without any pressure or coercion. The petitioner is the sole accused in this case. He is not a proclaimed offender and neither are any such proceedings pending against him.

Learned counsel for the complainant/respondent No.2 reaffirms 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 the petitioner.

Learned counsel for the State on instructions from ASI Sukhdev 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 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. 28 dated 27.02.2016 registered under Sections 498-A and 406 of the Indian Penal Code (for short 'IPC') at Police Station Women Cell, Ludhiana, District Ludhiana alongwith all consequential proceedings arising therefrom are hereby quashed.

07.04.2017
PA

(LISA GILL)
JUDGE

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