

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM No. M-46188 of 2016

Date of decision: 22.03.2017

Pankaj Bhargav

..... Petitioner.

Versus

State of Punjab and another

..... Respondents.

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. S.P.S. Aulakh, Advocate, for the petitioner.

Mr. Rajpreet Singh Sidhu, AAG, Punjab

Mr. Sukhtej Singh, 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. 155 dated 11.10.2015 (**Annexure P-1**) registered under Sections 498-A and 406 of the Indian Penal Code (for short 'IPC') at Police Station Sadar Hoshiarpur, District Hoshiarpur 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 on an application submitted by respondent No.2-Smt. Renu Sharma. The dispute arose between the parties because of matrimonial discord between petitioner and respondent No.2.

With the intervention of respectables, elders and relatives, the matter has been amicably resolved between the parties. Petitioner and respondent No.2 have decided to part ways. It is informed that a petition under Section 13- B of the Hindu Marriage Act filed by petitioner and respondent No.2 has since been allowed on 01.12.2016.

This Court on 23.12.2016 directed the parties to appear before the learned Illaqa Magistrate/trial Court on 09.01.2017 for recording their statements in respect to the above-mentioned compromise. Learned Illaqa Magistrate/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 23.12.2016, the parties appeared before the learned Additional Chief Judicial Magistrate, Hoshiarpur and their statements were recorded on 16.01.2017. Respondent No.2-Smt. Renu Sharma has stated that the matter has been amicably between the parties. Divorce has been granted to her and the petitioner. It is stated by her that the compromise has been arrived at out of her own free will, without any kind of pressure or coercion. Respondent No. 2 has stated that she has no objection if the aforementioned FIR is quashed against the petitioner, who is the sole accused in this case. Statement of the petitioner in respect to the settlement was recorded.

As per report dated 24.01.2017, submitted by the learned Additional Chief Judicial Magistrate, Hoshiarpur it is opined that the compromise arrived at between the parties is genuine, arrived at voluntarily, without any kind of pressure or coercion. It is further mentioned that the accused-petitioner is not a proclaimed offender.

Learned counsel for the complainant/respondent No.2 affirms 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 Chanchal 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. 155 dated 11.10.2015 registered under Sections 498-A and 406 of the IPC at Police Station Sadar Hoshiarpur, District Hoshiarpur alongwith all consequential proceedings arising therefrom are hereby quashed.

(LISA GILL)
JUDGE

22.03.2017
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Whether speaking/reasoned : Yes/No.
Whether reportable : Yes/No.