

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

Criminal Misc. No. M- 46215 of 2016(O&M)

Date of Decision: September 11 , 2017.

Sumit Seth and another PETITIONER(s)

Versus

State of Punjab and another RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Kewal Krishan, Advocate
for the petitioners.

Mr. Karanbir Singh, AAG, Punjab.

None for the complainant/respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.69 dated 24.06.2015 under Sections 498A/380/506/34 IPC registered at Police Station Women, District Ludhiana and all other consequential proceedings arising therefrom on the basis of a compromise arrived at between the parties.

The abovesaid FIR was registered at the behest of respondent No.2 due to matrimonial discord with her husband i.e., petitioner No.1. With the intervention of respectables and relatives, the matter has been amicably resolved between the parties. Petitioner No.1 and respondent No.2 have decided to part ways. It is submitted that petition under Section 13B of the Hindu Marriage Act, 1955 (for short, the 'HMA') filed by petitioner No.1 and respondent No.2 has

since been allowed on 05.04.2016 (Annexure P5).

This Court on 11.07.2017 directed the parties to appear before learned trial court/Illaqa Magistrate 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, 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/Illaqa Magistrate 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 11.07.2017, the parties appeared before the learned Judicial Magistrate First Class, Ludhiana and their statements were recorded on 01.08.2017. Respondent No.2 stated that her marriage with the petitioner has been dissolved vide judgment and decree dated 05.04.2016 in petition under Section 13B HMA filed by her and her husband i.e., petitioner No.1. It is further stated by respondent No.2 that in terms of the settlement arrived at between the parties, she has undertaken to withdraw all civil and criminal cases filed by her against her husband/his family members. It is reiterated that the settlement has been arrived at out of her own free will, without any pressure or coercion. Accordingly, it is stated that she has no objection in case the abovesaid FIR is quashed against the accused petitioners. Statements of the petitioners in respect to the settlement were recorded as well.

As per report dated 11.08.2017 received from the learned Judicial Magistrate First Class, Ludhiana, it is opined that the compromise between the

parties is genuine, arrived at without any pressure or coercion from any quarter. None of the petitioners are reported to be proclaimed offenders. Statements of the parties are appended alongwith the said report.

Ms. Rakshi Sharma, Advocate had appeared on behalf of the complainant/respondent No.2 before this Court on 11.07.2017. She affirmed and verified the factum of settlement between the parties and stated that respondent No.2 has no objection to the quashing of the abovementioned FIR against the petitioners.

Learned counsel for the State, on instructions from ASI Satnam 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.69 dated 24.06.2015 under Sections 498A/380/506/34 IPC registered at Police Station Women, District Ludhiana alongwith all consequential proceedings are, hereby, quashed.

September 11 , 2017.
'om'

(LISA GILL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No