

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

CRM No. M-4717 of 2016 (O&M)

Date of decision: 21.02.2017

Gurjit Singh and another

..... Petitioners.

Versus

State of Punjab and another

..... Respondents.

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Munish Gupta, Advocate for the petitioners.
Mr. Arshdeep S. Kler, Deputy Advocate General, Punjab.
Mr. Neeraj Madaan, Advocate for
Mr. G.S. Pannu, Advocate for respondent No.2.

LISA GILL, J.

CRM No. 4449 of 2016

Filing of certified copies of Annexure P-1 to P-4 is exempted and photocopies of the same are taken on record, subject to just exceptions.

Application stands disposed of accordingly.

CRM No. M- 4717 of 2016

This petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of FIR No. 10 dated 23.01.2011 registered under Section 498-A 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 arrived at between the parties.

The above said FIR was registered on an application moved by respondent No. 2- Smt. Surinder Kaur, who was married to petitioner No. 1- Gurjit Singh, alleging commission of offence under Section 498-A IPC qua the petitioners.

The above said FIR arises out of a matrimonial dispute between petitioner No.1 and respondent No.2. Due to the intervention of respectables, elders and friends a compromise has been arrived at between the parties. The parties wish to live in peace and harmony and put an end to the acrimony between them. Present petition has been filed on the basis of this compromise. A petition under Section 13-B of the Hindu Marriage Act (Annexure P-3) was filed by petitioner No. 1 and respondent No. 2. Their statements at first motion were recorded on 10.12.2015. It is submitted that this petition has since been allowed.

This Court on 03.05.2016 had directed the parties to appear before learned Illaqa Magistrate/ trial Court on 19.05.2016 for getting their statements recorded in respect to the above-mentioned compromise. Learned Illaqa Magistrate/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 petitioners are proclaimed offenders and whether any other case is pending against them. Information was also sought regarding number of persons arrayed as accused in FIR.

Pursuant to order dated 03.05.2016, the parties appeared before the learned Additional Chief Judicial Magistrate, Hoshiarpur and their statements were recorded on 19.05.2016. Respondent No.2- Smt. Surinder Kaur, the complainant in this case has stated that she has settled the matter with the accused persons. The settlement has been arrived at out of her own free will and volition, without any pressure or coercion. She has no objection to the

quashing of above said FIR. Joint statement of the petitioners, who are the only accused in the present FIR was also recorded.

As per report dated 21.05.2016 submitted by the the learned Additional Chief Judicial Magistrate, Hoshiarpur it is noted that the compromise arrived at between the parties is voluntary, without any kind of pressure or coercion. None of the petitioners are proclaimed offenders. Statements of the parties have been appended alongwith the report.

Learned counsel appearing for respondent No.2 affirms and verifies the factum of settlement between the parties. It is stated that respondent No. 2 has no objection to the quashing of above said FIR against both the petitioners

Learned counsel for the State submits that keeping in view the fact that the above said FIR arose out of matrimonial discord and the matter has been settled, there can be no question of any objection to the quashing of this FIR.

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”.

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 the precious time of the court and would be an exercise in futility.

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This petition is, thus, allowed and FIR No. 10 dated 23.01.2011 registered under Section 498-A IPC at Police Station Sadar Hoshiarpur, District Hoshiarpur alongwith all consequential proceedings are hereby quashed.

21.02.2017

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(LISA GILL)
JUDGE

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