

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

Crl. Misc. No. M- 4715 of 2017(O&M)

Date of Decision: April 19 , 2017.

Hardev Singh and another PETITIONER(s)

Versus

State of Punjab and another RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Jatinder Singh Gill, Advocate
for the petitioners.

Mr. Rajpreet Singh Sidhu, AAG, Punjab.

Mr. Sumit Singh Bairagi, Advocate for
Mr. Vinay Kumar Malhotra, Advocate
for respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.369 dated 29.09.2014 under Sections 498A/406/376A IPC (the offence punishable Section 376A IPC is mentioned in the FIR but charge has been framed under Section 376B IPC) registered at Police Station Sadar City Tarn Taran, District Tarn Taran 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 on account of matrimonial discord with her husband, who has unfortunately passed away. Petitioners are the parents-in-law of respondent No.2.

With the intervention of respectables and relatives, a compromise has been arrived at between the parties, the terms of which were reduced in writing on 01.02.2017. The parties wish to live in peace and harmony and put an end to the acrimony between them. The present petition has been filed on the basis of this compromise.

This Court on 03.03.2017 directed the parties to appear before the learned trial court on 29.03.2017 for getting their statements recorded 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 also directed to intimate whether any of the petitioners are absconding/proclaimed offenders and whether any other case is pending against them. Information was also sought as to whether all affected persons are a party to the settlement.

Pursuant to order dated 03.03.2017, the parties appeared before the learned Additional Sessions Judge, Tarn Taran and their statements were recorded on 29.03.2017. Respondent No.2 has stated that the matter has been amicably resolved with the accused-petitioners. The settlement has been arrived at out of her own free will without any pressure, coercion or threat. It is stated that petitioner No.1 has transferred two acres of land in favour of her minor daughter Harmanat Kaur. Respondent No.2 stated that she would not claim any maintenance from the petitioners after transfer of the land in favour of her daughter. Petitioners would be at liberty to meet the child as and when they desired. Statement of Dalbir Kaur wife of late Ajit Singh (mother of the complainant/respondent No.2) was also recorded in respect to the settlement

between the parties. Both respondent No.2 and her mother stated that there is no objection to the quashing of the abovesaid FIR qua the petitioners. Statement of the petitioners in respect to the settlement was also recorded.

As per report dated 29.03.2017 received from the learned Additional Sessions Judge, Tarn Taran, it is opined that the settlement between the parties is genuine, voluntary and arrived at between the parties without any kind of pressure. The statements of the parties have been appended alongwith the said report.

Learned counsel for respondent No.2 reaffirms and verifies the factum of settlement between the parties. It is reiterated that respondent No.2 has no objection to the quashing of the abovementioned FIR against all the petitioners.

Learned counsel for the State, on instructions from HC Baldeep 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. It is further stated that none of the petitioners are proclaimed offenders neither any such proceedings are pending against them.

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 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.369 dated 29.09.2014 under Sections 498A/406/376A IPC (the offence punishable Section 376A IPC is mentioned in the FIR but charge has been framed under Section 376B IPC) registered at Police Station Sadar City Tarn Taran, District Tarn Taran alongwith all consequential proceedings are, hereby, quashed.

April 19 , 2017.
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(**LISA GILL**)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No