

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

**Crl. Misc. No. M-7039 of 2016
Date of Decision : July 26, 2017**

Nirmaljit Kaur and others Petitioners

VERSUS

State of Punjab and another Respondents

CORAM : HON'BLE MRS. JUSTICE LISA GILL

1. Whether reporters of local papers may be allowed to see the judgment?
 2. To be referred to the reporters or not?
 3. Whether the judgment should be reported in the digest?
- ...

Present: Ms. Mandeep Kaur Kahlon, Advocate
for the petitioners.

Ms. Monika Jalota, DAG, Punjab.

Mr. D.S.Kahlon, Advocate
for respondent No.2.

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LISA GILL, J. (Oral)

1. Prayer in this petition is for quashing of FIR No. 9 dated 23.03.2013 under Sections 498-A, 406, 120-B IPC registered at Police Station Women, Amritsar as well as consequential proceedings on account of a settlement dated 30.01.2016 (Annexure P-2) between the parties.
2. The above said FIR was registered on a complaint submitted at the behest of respondent No.2. The said FIR is a fall out of matrimonial discord between petitioner No.3 and respondent No.2. With the intervention of respectables the dispute between petitioner No.3 and respondent No.2 has been resolved amicably and respondent No.2 has no objection to the quashing of this FIR.

3. Pursuant to orders dated 21.03.2017 and 17.05.2017 passed by this Court the parties appeared before the learned Judicial Magistrate 1st Class, Amritsar, on 24.05.2017. The complainant/respondent No.2- Darshpreet Kaur stated before the Judicial Magistrate 1st Class, Amritsar, that the entire dispute has been amicably resolved with the accused/petitioners. It is stated that the divorce petition filed by her under Section 13 of the Hindu Marriage Act, 1955 was decreed on 22.11.2013. Petitioner No.3 has agreed to abide by the same and not prefer any appeal against the said judgment. It is further agreed that their minor child shall reside with her and petitioner No.3 or any of his family member would not claim his custody. It is stated that the settlement has been arrived at out of her own free will, without any coercion or undue influence. Respondent No.2 has categorically stated that she has no objection in case the said FIR against all the petitioners is quashed. Statements of the petitioners in respect of the settlement were recorded as well.

4. As per the report dated 12.06.2017 submitted by the learned Judicial Magistrate 1st Class, Amritsar it is opined that the settlement between the parties is voluntary, arrived at without any pressure or coercion. Photocopies of the statements are attached along with the report. None of the petitioners are reported to be proclaimed offenders.

5. Learned counsel for respondent No.2 affirms and verifies the factum of settlement arrived at between the parties. Respondent No.2, it is submitted, has no objection to the quashing of the abovesaid FIR against all the accused persons.

6. Learned counsel for the State submits that present being a matrimonial dispute, the State can possibly have no objection to the

quashing of the FIR on the basis of a settlement between the parties.

7. In ***Kulwinder Singh and others v. 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.”

8. 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.

9. In view of the above, it would be in the interest of justice to quash the above said FIR as no useful purpose would be served by continuing the present proceedings. It will only lead to wastage of precious time of the court and would be an exercise in futility.

10. This petition is, thus, allowed and FIR No. 9 dated 23.03.2013 under Sections 498-A, 406, 120-B IPC registered at Police Station Women, Amritsar along with all consequential proceedings are, hereby, quashed.

26.07.2017
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(LISA GILL)
JUDGE

Note: Whether speaking/reasoned

Yes / No

Whether Reportable:

Yes / No