

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

Criminal Misc. M- No. 734 of 2016 (O&M)

Date of decision : March 21, 2017

Baljit Singh and another

Petitioners

Versus

State of Punjab and another

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Gagandeep Singh Sirphikhi, Advocate
for the petitioners.

Mr. K.D. Sachdeva, Additional AG, Punjab.

Mr. Ritesh Pandey, 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. 92 dated 20.10.2013 (**Annexure P-1**) registered under Sections 498-A and 406 of the Indian Penal Code (for short 'IPC') at Police Station Sadar Batala, District Gurdaspur 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 a complaint submitted by respondent No. 2. The dispute arose between the parties because of matrimonial discord between petitioner No. 1 and respondent No.2.

With the intervention of respectables, elders and relatives, the matter has been amicably resolved between the parties. It is submitted that

the petition under Section 13-B of Hindu Marriage Act, 1955 preferred by the parties has been allowed on 08.09.2015.

This Court on 03.08.2016 directed the parties to appear before the learned Illaqa Magistrate/trial Court on 01.09.2016 for getting their statements recorded with regard 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 voluntarily and out of the free will of the parties. Learned Illaqa Magistrate/trial Court was directed to intimate the number of accused arrayed in the FIR and how many have appeared before it and have made statements and whether any accused is absconding/proclaimed offenders; the name of the complainant and injured/aggrieved and whether all of them have appeared and made their statements in support of the compromise. Learned Illaqa Magistrate/trial Court was also directed to intimate the stage of trial/proceedings.

Pursuant to order dated 03.08.2016, the parties appeared before the learned Judicial Magistrate 1st Class, Batala and their statements were recorded on 01.09.2016. Respondent No. 2 has stated that she had amicably resolved the matter between the accused person. The settlement has been arrived at of her own free will, without any coercion and pressure. Respondent No. 2 has stated that she has no objection if the above said FIR against all the accused petitioners is quashed. Joint statement of all the accused petitioners in respect to the settlement was recorded.

As per report dated 09.09.2016, submitted by the learned Judicial Magistrate 1st Class, Batala, it is opined that the compromise arrived at between the parties is genuine, has been arrived at voluntarily,

Without undue influence, pressure or coercion. It is further mentioned that

none of the petitioners are proclaimed offenders and neither any such proceedings are pending against them.

Learned counsel for the respondent No.2 affirms and verifies the factum of settlement between the parties. It is stated that there is no impediment to the quashing of the above mentioned FIR and respondent No. 2 has no objection, whatsoever, to the quashing of the above mentioned FIR qua the petitioners.

Learned counsel for the State, on instructions from Head Constable Sawinder Singh, 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. 92 dated 20.10.2013

(**Annexure P-1**) registered under Sections 498-A and 406 IPC at Police Station Sadar Batala, District Gurdaspur alongwith all consequential proceedings arising therefrom are hereby quashed.

March 21, 2017
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes

Whether reportable : Yes/No.