

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

Criminal Misc. No. M- 7440 of 2016(O&M)

Date of Decision: September 11 , 2017.

Jaspreet Singh and others PETITIONER(s)

Versus

State of Punjab and another RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Malkiat S.Hundal, Advocate for
Mr. R.S.Bains, 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.28 dated 23.05.2011 under Section 498A IPC registered at Police Station Moti Nagar, 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, a compromise was arrived at between the parties, the terms of which were reduced into writing on 28.01.2016 (Annexure P5). It is informed that both petitioner No.1 and respondent No.2

have now remarried after being granted divorce on 02.08.2016.

This Court on 05.07.2017 directed the parties to appear before learned trial court for recording their statements 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 sought as to whether all affected persons are a party to the settlement.

Pursuant to order dated 05.07.2017, the parties appeared before the learned Judicial Magistrate First Class, Ludhiana and their statements were recorded on 10.08.2017. Liberty was afforded to respondent No.2 to record her statement through her Power of Attorney Holder Malook Singh i.e., her father. Accordingly statement of respondent No.2 through her father was recorded. It is stated that respondent No.2 has amicably resolved the dispute with all the accused petitioners. Petition under Section 13B of the Hindu Marriage Act, 1955 filed by her and petitioner No.1 has since been allowed. The settlement, it is stated, has been arrived at between the parties without any duress, coercion or pressure. It is stated that respondent No.2 has no objection in case the abovesaid FIR is quashed against all the accused petitioners. Statements of the petitioners in respect to the settlement were recorded as well.

As per report dated 10.08.2017 received from the learned Judicial Magistrate First Class, Ludhiana satisfaction has been expressed that the compromise effected between the parties is genuine, arrived at out of their free

will and volition without any pressure or coercion. None of the petitioners are reported to be proclaimed offenders. Statements of the parties are appended alongwith the said report.

Mr. Malook Singh, power of attorney holder and father of respondent No.2 appeared before this Court on 27.03.2017. He affirmed the factum of settlement between the parties.

Learned counsel for the State 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.28 dated 23.05.2011

under Section 498A IPC registered at Police Station Moti Nagar, 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