

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

**CRM No. M-7952 of 2016
Date of decision: 02.05.2017**

Nirmal Singh and others

..... Petitioners.

Versus

State of Punjab and another

..... Respondents.

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. S.K. Arora, Advocate, for the petitioners.

Mr. Rajpreet Singh Sidhu, AAG, Punjab.

None 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. 112 dated 06.07.2010 (**Annexure P-1**) registered under Sections 498-A, 406, 506 and 120-B of the Indian Penal Code (for short 'IPC') at Police Station Patti, District Tarn Taran 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 at the behest of respondent No. 2-Smt. Jasbir Kaur due to matrimonial discord with her husband-petitioner No. 1

The matter has been amicably resolved between the parties. The terms and conditions of the settlement are reflected in decision dated 21.01.2016, passed by this Court in FAO No. M-45 of 2011 (Annexure P-2). The parties have parted ways.

This Court on 30.11.2016 directed the parties to appear before the learned Illaqa Magistrate/trial Court on 21.12.2016 for recording their

statements in respect to the 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 out of the free will and volition of the parties. Learned Illaqa Magistrate/trial court was directed to intimate whether the petitioners are proclaimed offenders and whether any other case is pending against them.

Pursuant to order dated 30.11.2016, the parties appeared before the learned Sub Divisional Judicial Magistrate, Patti and their statements were recorded on 21.12.2016. Respondent No.2-Smt. Jasbir Kaur has stated that the matter has been amicably resolved between the parties. The settlement has been arrived at out of her own free will and consent, without any undue influence or coercion. Respondent No. 2 has stated that she has no objection in case the above said FIR against all the petitioners is quashed. A joint statement of all the three petitioners in respect to the settlement was recorded.

As per report dated 03.01.2017, submitted by the learned Sub Divisional Judicial Magistrate, Patti, it is opined that the settlement between the parties is genuine, arrived at out of their own free will, without any pressure, undue influence or coercion. It is noted that there are three accused in the FIR. They are the petitioners before this Court. None of them are proclaimed offenders and neither are any such proceedings pending against them. Statements of the parties have been appended alongwith the report.

Mr. H.S. Batth, Advocate had appeared on behalf of respondent No. 2 on 30.11.2016 and affirmed the factum of settlement, pursuant to which the parties had been directed to appear before the learned Sub Divisional Judicial Magistrate, Patti.

Learned counsel for the State on instructions from ASI Gurbax 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. 112 dated 06.07.2010 registered under Sections 498-A, 406, 506 and 120-B of the IPC at Police Station Patti, District Tarn Taran alongwith all consequential proceedings arising therefrom are hereby quashed qua the petitioners.

02.05.2017
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(LISA GILL)
JUDGE

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