

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

**CRM No. M-4930 of 2017
Date of decision: 10.05.2017**

Amit Kumar

..... Petitioner.

Versus

State of Punjab and another

..... Respondents.

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Vikram Anand, Advocate, for the petitioner.

Mr. K.D. Sachdeva, Addl.A.G., Punjab.

Mr. Rituraj Singh, 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. 72 dated 27.06.2015 registered under Sections 406 and 498-A of the Indian Penal Code (for short 'IPC') at Police Station City Women Cell, Ludhiana 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. Sunita Rani @ Mitali. The dispute arose between the parties because of matrimonial discord between petitioner and respondent No.2.

With the intervention of respectables, elders and relatives, the matter has been amicably resolved between the parties. The petitioner and respondent No.2 have decided to part ways. The terms and conditions of the compromise were reduced into writing on 26.09.2016. The compromise is on record of this petition as Annexure P-2.

The parties were directed to appear before the learned trial Court/ Judicial Magistrate 1st Class, Ludhiana 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 threat, coercion or undue pressure. Learned trial court was directed to intimate whether the petitioner is a proclaimed offender and whether any other case is pending against him.

Pursuant to order dated 21.03.2017, the parties appeared before the learned Judicial Magistrate 1st Class, Ludhiana and their statements were recorded on 03.04.2017. Respondent No.2-Smt. Sunita Rani @ Mitali has stated that she has amicably resolved the entire dispute with the petitioner, her husband. They have decided to part ways. A petition under Section 13-B of the Hindu Marriage Act has been filed and is fixed for 05.04.2017 for recording of statements at second motion. Respondent No. 2 further stated that she has received the entire amount due towards her in terms of the settlement. The settlement has been arrived at out of her own free will, without any pressure or coercion and she now has no objection to the quashing of the above said FIR qua the petitioner. Statement of the petitioner in respect to the settlement was recorded.

As per report dated 12.04.2017, submitted by the learned Judicial Magistrate 1st Class, Ludhiana, it is opined that the compromise between the parties is genuine, arrived at without any pressure, threat or coercion from any corner. The petitioner is not a proclaimed offender and neither are any such proceedings pending against him.

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

Learned counsel for the State on instructions from ASI Ravinder Kumar, Police Station Women, Ludhiana 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. 72 dated 27.06.2015 registered under Sections 406 and 498-A of the IPC at Police Station City Women Cell, Ludhiana alongwith all consequential proceedings arising therefrom are hereby quashed qua the petitioner.

10.05.2017

PA

(LISA GILL)
JUDGE

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