

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

CRM No. M-8088 of 2016 (O&M)

Date of decision: 03.05.2017

Rakesh Kumar @ Rinku and others **Petitioners.**

Versus

State of Punjab and another **Respondents.**

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. P.K.S Phoolka, Advocate, for the petitioners.

Mr. P.S Paul, DAG, Punjab.

Mr. Parveen Sharma, 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. 27 dated 27.07.2011 (**Annexure P-1**) registered under Sections 498-A/109 of the Indian Penal Code (for short 'IPC') at Police Station Women Bathinda, District Bathinda and all other consequential proceedings arising therefrom on the basis of an amicable settlement (**Annexure P-2**) arrived at between the parties.

The above said FIR was registered at the behest of respondent No. 2-Smt. Vandana due to matrimonial discord with her husband i.e. petitioner No.1- Rakesh Kumar @ Rinku.

With the intervention of respectables, elders and relatives, the matter has been amicably resolved between the parties. The terms and conditions of the compromise are reflected in a document dated 23.12.2014 (**Annexure P-2**). It is submitted that petitioner No.1 and respondent No.2 have decided to part ways. A petition under Section 13- B of the Hindu Marriage Act, filed by petitioner No.1 and respondent No. 2 has been allowed on 04.09.2015.

This Court on 03.03.2017 directed the parties to appear before the learned trial Court on 23.03.2017 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 petitioners are proclaimed offenders and whether any other case is pending against them.

Pursuant to order dated 03.03.2017, the parties appeared before the learned Judicial Magistrate 1st Class, Bathinda and their statements were recorded on 24.03.2017. Respondent No.2-Smt. Vandana has stated that she has amicably resolved the dispute with all the petitioners. The settlement is genuine, voluntary, without any coercion or undue influence. It is stated that as per the compromise, the parties would have no further relations amongst themselves. Respondent No. 2 has stated that she has no objection to the quashing of the aforementioned FIR against all the petitioners, who are the accused in this case. Statements of the petitioners in respect to the settlement were also recorded.

As per report dated 24.03.2017, submitted by the learned Judicial Magistrate 1st Class, Bathinda, it is opined that the settlement between the parties is genuine, voluntary, arrived at out of the free will of the parties without any coercion or undue influence. There are three accused in the present FIR and they are the petitioners before this Court. None of them are proclaimed offenders and neither are any such proceedings pending against them.

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 all the petitioners.

Learned counsel for the State on instructions from ASI Jasvir Singh, Police Station Women, Bathinda 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 27 dated 27.07.2011 (**Annexure P-1**) registered under Sections 498-A/109 of the Indian Penal Code (for short 'IPC') at Police Station Women Bathinda, District Bathinda alongwith all consequential proceedings arising therefrom are hereby quashed.

(LISA GILL)
JUDGE

03.05.2017

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