

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

CRM No. M-8858 of 2016

Date of decision: 19.01.2017.

Bagga Singh and another

..... Petitioners.

Versus

State of Punjab and another

..... Respondents.

CORAM: HON'BLE MS. JUSTICE LISA GILL

Present: Mr. Ramesh Sharma. Advocate for the petitioners.

Mr. Gurinderjit Singh, DAG, Punjab.

Mr. Amit Gupta, Advocate, for respondent No.2.

LISA GILL, J.

The prayer is for quashing of FIR No. 51 dated 09.08.2013 (Annexure P-1) registered under Sections 406 and 498-A of the Indian Penal Code (for short 'IPC') at Police Station Bhulath, District Kapurthala and subsequent proceedings arising therefrom on the basis of an amicable settlement arrived at between the parties on 21.12.2015 (Annexure P-2).

This petition was withdrawn qua petitioner No. 3 on 12.04.2016 as he is a proclaimed offender.

Learned counsel for the State on instructions from ASI Inderpal Singh submits that petitioner No. 4 Gurdev Kaur had been found innocent during investigation. This petition was withdrawn qua petitioner No. 4 on 22.07.2016.

It is prayed that the said FIR be quashed against petitioners No.1 and 2, who are the mother-in-law and father-in-law of the complainant-respondent No. 2 (Arjinder Kaur). The entire dispute has been settled between respondent No. 2 and their son Satvir Singh as is reflected in the compromise dated 21.12.2015 (Annexure P-2). The dispute had arisen

due to matrimonial discord between them. A decree of divorce has been granted in favour of respondent No. 2 on 07.05.2016 by the learned Additional District Judge, Kapurthala. There is no impediment to the quashing of the FIR qua the present petitioners-Bagga Singh and Paramjit Kaur

Pursuant to order dated 22.11.2016, the parties appeared before the learned Judicial Magistrate 1st Class, Kapurthala and their statements were recorded on 20.12.2016. Smt. Arjinder Kaur (respondent No.2) has stated that she has amicably resolved the dispute out of her own free will without any coercion or undue influence. It is further stated that there are four accused in the petition. She has no objection to the quashing of this FIR against the petitioners- Bagga Singh and Paramjit Kaur. Joint statement of the petitioners- Sh. Bagga Singh and Smt. Paramjit Kaur was also recorded.

As per report dated 06.01.2017 by the learned Judicial Magistrate 1st Class, Kapurthala it is noted that the settlement between the parties is genuine and has been entered into out of their own free will, without any undue influence, coercion or threat.

Learned counsel for respondent No.2 affirms and verifies the factum of settlement. It is stated that respondent No. 2 has no objection to the quashing of above mentioned FIR qua the petitioners. It is further stated that the accused Satvir Singh is a proclaimed offender and Gurdev Kaur was declared innocent during investigation.

Learned counsel for the State, on instructions from ASI Inderpal Singh submits that in view of the settlement between the parties, there can be no objection to the quashing of the FIR qua the present petitioners.

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”.

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 continuing the present proceedings. It will only lead to wastage of the precious time of the court and would be an exercise in futility.

This petition is, thus, allowed and FIR No. 51 dated 09.08.2013 (Annexure P-1) registered under Sections 406 and 498-A IPC at Police Station Bhulath, District Kapurthala alongwith all consequential proceedings are hereby quashed qua petitioner No. 1-Bagga Singh and petitioner No.2-Paramjit Kaur.

(LISA GILL)
JUDGE

19.01.2017
PA

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.