

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM No. M-5104 of 2017
Date of decision: 01.05.2017

Dharamvir Singh and others Petitioners.
Versus
State of Punjab and another Respondents.

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Vishal Handa, Advocate, for the petitioners.
Mr. K.D. Sachdeva, Addl.A.G., Punjab.
Mr. Bhavesh Aggarwal, Advocate, for
Mr. Ashish Aggarwal, 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. 11 dated 10.02.2015 (**Annexure P-1**) registered under Sections 498-A and 406 of the Indian Penal Code (for short 'IPC') at Police Station Women, District Amritsar City and all other consequential proceedings arising therefrom on the basis of an amicable settlement (**Annexure P-2 and P-3**) arrived at between the parties.

The above said FIR was registered at the behest of respondent No. 2-Smt. Sarika because of matrimonial discord with her husband i.e. petitioner No.1- Dharamvir Singh.

With the intervention of respectables, elders and relatives, the matter has been amicably resolved between the parties. Petitioner No.1 and respondent No.2 have decided to part ways. The petition under Section 13-B of the Hindu Marriage Act preferred by petitioner No.1 and respondent No. 2 has since been allowed on 14.03.2017.

This Court on 06.03.2017 directed the parties to appear before the learned Illaqa Magistrate/trial Court on 14.03.2017 for recording their statements in respect to the above-mentioned compromise. Learned trial

court/Illaq 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 without any threat, coercion or undue pressure. Learned Illaq Magistrate/trial court was directed to intimate whether the petitioners are proclaimed offenders and whether any other case is pending against them. Information was sought as to whether all affected persons are party to the settlement.

Pursuant to order dated 06.03.2017, the parties appeared before the learned Judicial Magistrate 1st Class, Amritsar and their statements were recorded on 14.03.2017. Respondent No.2-Smt. Sarika has stated that she has amicably resolved the matter with the accused-petitioners. The settlement has been arrived at out of her own free will, without any coercion, pressure or undue influence. It is stated by respondent No. 2 that she has no objection to the quashing of the above said FIR against all the accused-petitioners. Statement of the petitioner in respect to the settlement was also recorded.

As per report dated 14.03.2017, submitted by the learned Judicial Magistrate 1st Class, Amritsar, it is opined that the compromise between the parties is genuine, voluntary and arrived at out of the free will of the parties. There are three accused in this case FIR, who are arrayed as the petitioners in this case. They are not proclaimed offender and neither are any such proceedings pending against them.

Learned counsel for the complainant/respondent No.2 reaffirms 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 three petitioners.

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Learned counsel for the State on instructions from HC Gurdial Singh, Police Station Women, Amritsar 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. 11 dated 10.02.2015 registered under Sections 498-A and 406 of the IPC at Police Station Women, District Amritsar City alongwith all consequential proceedings arising therefrom are hereby quashed qua the petitioners.

(LISA GILL)
JUDGE

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