

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

CrI. Misc. No. M- 5352 of 2017(O&M)

Date of Decision: April 3 , 2017.

Mandeep Singh and another PETITIONER(s)

Versus

State of Punjab and another RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. A.K.Saini, Advocate
for the petitioners.

Mr. K.D.Sachdeva, Addl.AG, Punjab.

None for respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.252 dated 31.12.2015 under Sections 498A/406/506 IPC registered at Police Station Machiwara District Khanna and all other consequential proceedings arising therefrom on the basis of compromise dated 05.02.2017 (Annexure P2) arrived at between the parties.

The abovesaid FIR was registered at the behest of respondent No.2 on account of matrimonial discord between petitioner No.1 and respondent No.2. With the intervention of respectables and relatives, a compromise has been arrived at between the parties, the terms of which were reduced in writing on 05.02.2017. The parties wish to live in peace and harmony and put an end to the acrimony between them. The present petition has been filed on the basis of

this compromise.

This Court on 17.02.2017 directed the parties to appear before learned trial court on 02.03.2017 for getting their statements recorded 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 voluntarily without any coercion, fear or undue influence. Learned trial court was also directed to intimate whether any of the petitioners are proclaimed offenders. Information was also sought as to the number of persons arrayed as accused in FIR.

Pursuant to order dated 17.02.2017, the parties appeared before the learned Judicial Magistrate First Class, Samrala and their statements were recorded on 02.03.2017. Respondent No.2 has stated that the matter has been amicably resolved with both the accused petitioners. The compromise has been arrived at out of her own free will, without any pressure, undue influence or coercion. The compromise is genuine and voluntary. Respondent No.2 has stated that she has no objection to the quashing of the abovesaid FIR qua the petitioners. A joint statement of the petitioners in respect to the compromise was also recorded.

As per report dated 28.03.2017 received from the learned Judicial Magistrate First Class, Samrala it is opined that the compromise between the parties is genuine, voluntary and arrived at without any coercion or undue influence. None of the petitioners are proclaimed offenders. The statements of the parties have been appended alongwith the said report.

On the last date of hearing i.e. 17.02.2017, Mr. Atul Goyal, Advocate appeared on behalf of respondent No.2 and admitted the factum of

settlement between the parties.

Learned counsel for the State, on instructions from HC Jagjivan Singh, Police Station Machiwara, submits that as the abovesaid FIR arises out of a matrimonial dispute, the State has no objection to the quashing of this FIR on the basis of a settlement arrived at 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.

Keeping in view the facts and circumstances of this case, 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.252 dated 31.12.2015 under Sections 498A/406/506 IPC registered at Police Station Machiwara District Khanna alongwith all consequential proceedings are, hereby, quashed.

April 3, 2017.
'om'

(**LISA GILL**)
JUDGE

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