

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM No. M-5414 of 2017

Date of decision: 22.03.2017

Shashi Pal and others

..... Petitioners.

Versus

State of Punjab and another

..... Respondents.

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Munish Gupta, Advocate, for the petitioners.

Mr. Rajpreet Singh Sidhu, AAG, Punjab

Mr. Bhupender 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 Complaint No. 64 dated 01.10.2008 titled as Urvashi Versus Shashi Pal and others, filed under Sections 406,498-A,506,120-B,34 of the Indian Penal Code (for short 'IPC'), pending in the Court of learned Judicial Magistrate 1st Class, Hoshiarpur as well as summoning order dated 17.2.2012, charge-sheet order dated 18.09.2015 and further proceedings arising therefrom on the on the basis of an amicable settlement (**Annexure P-4**) arrived at between the parties.

The above said complaint was filed by respondent No.2- Smt. Urvashi @ Urshashi Devi. The dispute arose between the parties because of matrimonial discord between petitioner No. 1- Shashi Pal and respondent- Smt. Urvashi @ Urshashi Devi.

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. It is informed that a petition under Section 13- B of the Hindu Marriage Act has been filed by petitioner

No.1 and respondent No.2 and their statements at first motion have been recorded.

This Court on 20.02.2017 directed the parties to appear before the learned trial Court on 04.03.2017 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 coercion, fear or undue influence. Learned 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 20.02.2017, the parties appeared before the learned Judicial Magistrate 1st Class, Hoshiarpur and their statements were recorded on 04.03.2017. Respondent No.2 has stated that the matter has been amicably resolved between the parties. It is stated that the compromise is genuine and has been arrived at out of her free will, without any kind of fear, apprehension or undue influence or coercion. Respondent No. 2 has stated that she has no objection to the quashing of the aforementioned complaint, summoning order, charge sheet and all consequential proceedings arising therefrom against all the accused petitioners. Statements of all the petitioners in respect to the settlement was recorded.

As per report dated 09.03.2017, submitted by the learned Judicial Magistrate 1st Class, Hoshiarpur, it is opined that the compromise between the parties is genuine, it has been arrived at voluntarily, without any undue influence or coercion from any quarter. It is further mentioned that none of the petitioners are proclaimed offenders.

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 complaint, summoning order and charge sheet.

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 complaint 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 Complaint No. 64 dated 01.10.2008 titled as Urvashi Versus Shashi Pal and others, filed under Sections 406,498-A,506,120-B,34 of the IPC, pending in the Court of learned Judicial Magistrate 1st Class, Hoshiarpur, summoning order dated 17.2.2012 as well as charge sheet order dated 18.09.2015 alongwith all consequential proceedings arising therefrom are hereby quashed.

22.03.2017
PA

(LISA GILL)
JUDGE

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