

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

**Criminal Misc. No. M- 9381 of 2016(O&M)**

**Date of Decision: August 30 , 2017.**

Dharam Pal and others ..... PETITIONER(s)

**Versus**

State of Punjab and others ..... RESPONDENT (s)

**CORAM:- HON'BLE MRS.JUSTICE LISA GILL**

Present: Mr. Manpreet Singh Longia, Advocate  
for the petitioners.

Mr. Karanbir Singh, AAG, Punjab.

Mr. Abinashi Singh, Advocate  
for the complainant/respondent No.3.

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**LISA GILL, J.**

Prayer in this petition is for quashing of FIR No.142 dated 02.12.2015 under Sections 406/498A/506/120B IPC registered at Police Station Amloh, District Fatehgarh Sahib and all other consequential proceedings arising therefrom on the basis of a compromise arrived at between the parties.

The abovesaid FIR was registered at the behest of respondent No.3 due to matrimonial discord with her husband i.e., petitioner No.2. With the intervention of respectables and relatives, a compromise was arrived at between the parties, the terms of which were reduced into writing on 09.03.2016 (Annexure P2). It is submitted that petitioner No.2 and respondent No.3 have

decided to part ways. Petition under Section 13B of the Hindu Marriage Act, 1955 has since been allowed on 18.08.2017.

Apart from the settlement (Annexure P2) it is additionally agreed between the parties that the petitioners would have no objection to respondent No.3 – Yogita meeting her younger child – Anav, once a month on each 4<sup>th</sup> Saturday subject to any variation with the consent of both the parties. In respect to the elder child – Himanish born out of this wedlock, it is agreed that as and when he himself expresses his desire to meet his mother, the same shall be honoured. An affidavit dated 25.08.2017 to this effect executed by petitioner No.1 is on the record of this file.

This Court on 23.02.2017 directed the parties to appear before learned Illaqa Magistrate for recording their statements in respect to the above-mentioned compromise. Learned Illaqa 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 coercion, fear or undue influence. Learned Illaqa Magistrate was also directed to intimate whether any of the petitioners are absconding/proclaimed offenders and whether any other case is pending against them. Information was sought as to whether all affected persons are a party to the settlement.

Pursuant to order dated 23.02.2017, the parties appeared before the learned Judicial Magistrate First Class, Amlah and their statements were recorded on 01.03.2017. Respondent No.3 – Yogita stated that the matter has been amicably resolved with the accused-petitioners. In terms of the settlement, she received an FDR of ₹ 2,04,377/- drawn on Punjab Gramin Bank, a demand draft of ₹5,00,000/- drawn on HDFC Bank and balance of ₹22,196/- in her

Saving Account No.79564. Respondent No.2 stated that the settlement has been arrived at out of her free will, without any kind of fear or pressure. It is further stated that she has no objection to the quashing of the abovesaid FIR qua the petitioners. Statements of the petitioners in respect to the settlement were recorded as well.

As per report dated 04.03.2017 received from the learned Judicial Magistrate First Class, Amloh it is opined that the compromise arrived at between the parties is genuine, voluntary and not the result of any pressure or coercion from any quarter. None of the petitioners are reported to be proclaimed offenders. Statements of the parties are appended alongwith the said report.

Learned counsel for respondent No.3 reaffirms and verifies the factum of settlement between the parties. It is reiterated that in view of the settlement, respondent No.3 has no objection to the quashing of the abovementioned FIR against all the petitioners.

Learned counsel for the State 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 merely lead to wastage of precious time of the court and would be an exercise in futility.

This petition is, thus, allowed and FIR No.142 dated 02.12.2015 under Sections 406/498A/506/120B IPC registered at Police Station Amloh, District Fatehgarh Sahib alongwith all consequential proceedings are, hereby, quashed.

August 30 , 2017.  
'om'

( LISA GILL )  
JUDGE

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