

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

CRM No. M-9397 of 2016

Date of decision: 18.01.2017

Vishal Handa and others

..... Petitioners.

Versus

State of Punjab and another

..... Respondents.

CORAM: HON'BLE MS. JUSTICE LISA GILL

Present: Mr. Ravi Malhotra, Advocate for the petitioners.

Mr. Gurinderjit Singh, DAG, Punjab.

Mr. R.K. Arya, Advocate, for

Mr. Rohiteswar 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 FIR No. 44 dated 28.05.2013 (Annexure P-1) registered under Sections 406,498-A and 34 of the Indian Penal Code (for short 'IPC') at Police Station Women Cell, District Jalandhar and all other consequential proceedings arising therefrom on the basis of an amicable settlement arrived at between the parties.

The terms of settlement between the parties find mention in the statement of respondent No.2- Smt. Nidhi Handa, which she suffered before the learned Additional District & Sessions Judge, Jalandhar on 16.09.2015 (Annexure P-2)

The above said FIR arises out of a matrimonial dispute between petitioner No. 1 and respondent No.2. Due to the intervention of respectables, a compromise has been arrived at between the parties. The

parties wish to live in peace and harmony and put an end to the acrimony between them. Present petition has been filed on the basis of this compromise.

This Court on 21.11.2016 had directed the parties to appear before learned trial court/Illaq Magistrate on 19.12.2016 for getting their statements recorded 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 coercion, fear or undue influence. Learned trial court was also 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 21.11.2016, the parties appeared before the learned Judicial Magistrate 1st Class, Jalandhar and their statements were recorded on 19.12.2016. Statement of respondent No.2- Smt. Nidhi Handa was recorded to the effect that she has settled the dispute with all the accused-petitioners. The compromise has been arrived at without any threat, inducement, coercion or any pressure and the same has been entered into with her own free will. Divorce has been granted to her and petitioner No.1 under Section 13-B of the Hindu Marriage Act. She does not wish to proceed further in this case. Further she has no objection in case the FIR is quashed. Statements of the petitioners were also recorded.

As per report dated 23.12.2016 of the learned Judicial Magistrate 1st Class, Jalandhar, it is noted that the compromise effected between the parties is genuine, entered into voluntarily, without any force or pressure. None

of the petitioners are proclaimed offenders. Statements of the parties have been appended alongwith the report.

Learned counsel for respondent No.2. affirms and verifies the factum of settlement between the parties. It is stated that respondent No. 2 has no objection to the quashing of above mentioned FIR.

Learned counsel for the State, on instructions from HC Sohan Lal submits that the present being a matrimonial dispute the State has no objection to the quashing of this FIR on the basis of the 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”.

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. No. 44 dated 28.05.2013 (Annexure P-1) registered under Sections 406,498-A and 34 IPC at Police Station Women Cell, District Jalandhar alongwith all consequential proceedings are hereby quashed.

18.01.2017

PA

(LISA GILL)
JUDGE

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