

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

Criminal Misc. No.M- 5565 of 2017 (O&M)

Date of decision : December 20, 2017

Daljit Singh and another

.....Petitioners

Versus

The State of Punjab and another

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Govind Chauhan, Advocate
for the petitioners.

Mr. Saurav Khurana, DAG, Punjab.

Ms. G.K. Turka, Advocate
for respondent No.2.

LISA GILL, J.

CRM-40951 of 2017

Prayer in this application is for placing on record judgment and decree dated 18.08.2017 as Annexure P-3. The same is taken on record subject to just exceptions. Filing of typed/certified copies thereof is exempted.

Application is disposed of.

Criminal Misc. No.M- 5565 of 2017 (O&M)

Prayer in this petition is for quashing of FIR No. 42 dated 01.04.2014 under Sections 406, 498A IPC registered at Police Station Women, District Patiala and all other consequential proceedings arising therefrom on the basis of a settlement arrived at between the parties before

the Mediation and Conciliation Centre of this Court on 24.01.2017 (Annexure P-2).

The abovesaid FIR was registered at the instance of respondent No.2 due to matrimonial discord with her husband i.e., petitioner No.1. The matter was amicably resolved before the Mediation and Conciliation Centre of this Court. The present petition has been filed on the basis of this compromise.

Learned counsel for the petitioners and respondent No. 2 inform that petition under Section 13B of the Hindu Marriage Act, 1955 filed by the parties has since been allowed on 18.08.2017 (Annexure P-3).

This Court on 20.02.2017 directed the parties to appear before learned trial court/Illaq Magistrate for recording their statements in respect to the above-mentioned compromise. Learned trial court/Illaq Magistrate was directed to submit a report regarding the validity or otherwise of the compromise.

Pursuant to order dated 20.02.2017 and subsequent orders, the parties appeared before the learned Judicial Magistrate First Class, Patiala and their statements were recorded on 01.06.2017. Respondent No.2 stated that she has compromised the matter with both the accused petitioners out of her free will, without any fear, pressure or coercion. It is stated that petition under Section 13B of the Act has been filed. Respondent No.2 stated that she has no objection to the quashing of the abovesaid FIR qua the petitioners. Statements of the petitioners in respect to the compromise were also recorded.

As per report dated 05.08.2017 received from the learned Judicial Magistrate First Class, Patiala, it is opined that the compromise

between the parties is genuine, voluntary, arrived at without any coercion or undue influence. None of the petitioners is reported to be a proclaimed offender. Statements of the parties are appended alongwith the said report.

Learned counsel for respondent No.2 reaffirms and verifies the factum of settlement between the parties. It is reiterated that respondent No.2 has no objection to the quashing of the abovementioned FIR.

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. 42 dated 01.04.2014

under Sections 406, 498A IPC registered at Police Station Women, District
Patiala alongwith all consequential proceedings are, hereby, quashed.

December 20, 2017
rts

(Lisa Gill)
Judge

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