

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

Criminal Misc. No. M- 9453 of 2016(O&M)

Date of Decision: November 15 , 2017.

Tejinder Singh

..... PETITIONER(s)

Versus

State of Punjab and others

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Amandeep Singh, Advocate
for the petitioner.

Mr. Karanbir Singh, AAG, Punjab.

Mr. S.P.Singh, Advocate for
Mr. Simranjit Singh, Advocate
for respondents No.2 and 3.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.145 dated 01.10.2014 under Sections 406/498A IPC registered at Police Station Women, District Patiala and all other consequential proceedings arising therefrom on the basis of a compromise arrived at between the parties.

The abovesaid FIR was registered at the instance of respondent No.2 due to matrimonial discord between her daughter i.e., respondent No.3 and the petitioner. With the intervention of respectables and relatives, a compromise was arrived at between the parties. The parties decided to bury the hatchet and live in peace and harmony. The petitioner and respondent No.3 have resumed

cohabitation and are living together in their matrimonial home.

This Court on 22.11.2016 directed the parties to appear before learned trial court/Illaqa Magistrate for recording their statements in respect to the above-mentioned compromise. Learned trial court/Illaqa Magistrate was directed to submit a report regarding the genuineness of the compromise arrived at between the parties and intimate whether any other case or PO proceedings are pending against either of the parties.

Pursuant to order dated 22.11.2016, the parties appeared before the learned Judicial Magistrate First Class, Patiala and their statements were recorded on 22.12.2016. Joint statement of respondents No.2 and 3 was recorded to the effect that the matter has been compromised with the accused petitioner. Respondent No.3, it is stated, was residing at her matrimonial home alongwith the petitioner. The settlement, it is stated, has been arrived at voluntarily, without any pressure, threat or coercion. Respondents No.2 and 3 stated that they have no objection in case the abovesaid FIR against the accused petitioner is quashed. Statement of the petitioner in respect to the settlement was recorded as well.

As per report dated 16.01.2017 received from the learned Judicial Magistrate First Class, Patiala, it is opined that the compromise between the parties is genuine and executed between them out of their free will and consent without any threat or pressure. Petitioner, who is the sole accused in this case, is not reported to be a proclaimed offender. Statements of the parties are appended alongwith the said report.

Learned counsel for respondents No.2 and 3 reaffirms and verifies

the factum of settlement between the parties as well as resumption of matrimonial ties between the petitioner and respondent No.3. It is stated that both of them even as on date are living together in their matrimonial home. It is reiterated that respondents No.2 and 3 have no objection to the quashing of the abovementioned FIR against the petitioner.

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 the FIR in question as well as all consequential proceedings 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.145 dated 01.10.2014 under Sections 406/498A IPC registered at Police Station Women, District

Patiala alongwith all consequential proceedings are, hereby, quashed.

However, liberty is afforded to respondent No.2 to file necessary application for revival of the proceedings in the above said FIR, in case the terms and conditions of settlement between the parties are not adhered to by the petitioner or it is found that the settlement was a mere ruse to have the aforesaid FIR quashed.

November 15 , 2017.
'om'

**(LISA GILL)
JUDGE**

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