

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

Criminal Misc. M- No. 5730 of 2017 (O&M)

Date of decision : August 08, 2017

Maninder Pal Singh and others

.....Petitioners

Versus

State of Punjab and another

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. R.S. Malhotra, Advocate for the petitioners.

Mr. Karambir Singh, AAG, Punjab.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No. 179 dated 10.10.2016 registered under Sections 406, 498A IPC at Police Station City Muktsar, District Sri Muktsar Sahib and all other consequential proceedings arising therefrom on the basis of a compromise arrived at between the parties as reflected in document attached as Annexure P-2.

The abovesaid FIR was registered at the behest of respondent No.2 due to matrimonial discord with her husband i.e. petitioner No.1. With the intervention of respectables and relatives, 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. The present petition has been filed on the basis of this compromise.

This Court on 21.02.2017 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 orders dated 21.02.2017 and 31.05.2017, the parties appeared before the learned Chief Judicial Magistrate, Sri Muktsar Sahib and their statements were recorded on 09.06.2017. Respondent No.2 stated that the matter has amicably resolved with all the accused petitioners. The compromise, it is submitted, has been effected by her voluntarily, without any coercion, fraud or misrepresentation. A petition under Section 13B of the Hindu Marriage Act, 1955 (for short – 'the Act') is stated to have been filed and the same was pending for 04.07.2017. Respondent No. 2 categorically stated that she has no objection to the quashing of the aforementioned FIR against the accused petitioners. Statements of the petitioners in respect to the compromise were also recorded.

As per report dated 04.07.2017 received from the learned Chief Judicial Magistrate, Sri Muktsar Sahib, it is opined that the compromise between the parties is genuine, voluntary, arrived at without any threat, coercion or undue pressure. None of the petitioners are reported to be proclaimed offenders. Statements of the parties are appended alongwith the said report.

Learned counsel for the petitioners informs that petition under Section 13B of the Act has been allowed on 04.07.2017 and the entire settled amount has since been handed over to respondent No. 2.

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. 179 dated 10.10.2016 registered under Sections 406, 498A IPC at Police Station City Muktsar, District Sri Muktsar Sahib 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(s) or it is found that the settlement was a mere ruse to have the aforesaid FIR quashed.

(Lisa Gill)
Judge

August 08, 2017

rts

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