

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

**CRM No. M-9596 of 2016
Date of decision: 17.04.2017**

Sandeep Khullar

..... Petitioner.

Versus

The U.T. Chandigarh and another

..... Respondents.

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Arpandeeep Narula, Advocate, for the petitioner.

Ms. Ashima Mor, APP, U.T., Chandigarh.

Mr. Kapil Khanna, 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. 316 dated 21.07.2011 registered under Sections 498-A and 406 of the Indian Penal Code (for short 'IPC') at Police Station Sector 34, Chandigarh and all other consequential proceedings arising therefrom on the basis of an amicable settlement arrived at between the parties.

The above said FIR was registered at the behest of respondent No. 2-Smt. Anju @ Tanisha. The dispute arose between the parties because of matrimonial discord between petitioner- Sandeep Khullar and respondent No.2-Smt. Anju @ Tanisha.

With the intervention of respectables, elders and relatives, the matter has been amicably resolved between the parties. The petitioner and respondent No.2 have decided to part ways. It is informed that the petition under Section 13-B of the Hindu Marriage Act filed by the parties has since been allowed on 31.08.2016. The terms and conditions of the compromise were reduced into writing on 23.02.2016.

This Court on 09.11.2016 directed the parties to appear before the learned Illaqa Magistrate/trial Court on 12.12.2016 for recording their

statements 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 or undue influence. Learned Illaq Magistrate/trial court was directed to intimate whether the petitioner is a proclaimed offender and whether any other case is pending against him. Information was sought as to whether all affected persons are party to the settlement.

Pursuant to order dated 09.11.2016, the parties appeared before the learned Judicial Magistrate 1st Class, Chandigarh and their statements were recorded on 12.12.2016. Respondent No.2-Smt. Anju @ Tanisha stated that the matter has been amicably resolved with the petitioner. The compromise is voluntary, without any pressure or coercion of any kind. Respondent No. 2 has further stated that she does not wish to pursue the above said FIR and has no objection to the quashing of the same against the accused-petitioner. Statement of the petitioner in respect to the settlement was recorded.

As per report dated 16.12.2016, submitted by the learned Judicial Magistrate 1st Class, Chandigarh, it is opined that the compromise arrived at between the parties is voluntary, without any undue influence, coercion or pressure. The petitioner is not a proclaimed offender and neither are any such proceedings pending against him.

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

Learned counsel for the State on instructions from SI Rakesh Singh, Police Station Women Cell, Chandigarh submits that the present being a matrimonial dispute, the State has no objection to the quashing of this FIR on the basis of a 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”.

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.

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 continuance of the present proceedings. It will only lead to wastage of precious time of the court and would be an exercise in futility.

This petition is, thus, allowed and FIR No. 316 dated 21.07.2011 registered under Sections 498-A and 406 of the IPC at Police Station Sector 34, Chandigarh alongwith all consequential proceedings arising therefrom are hereby quashed.

17.04.2017

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(LISA GILL)
JUDGE

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