

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

**Criminal Misc. M- No. 5940 of 2017 (O&M)**

Date of decision : July 17, 2017

Manish and another

.....Petitioners

Versus

State of Union Territory, Chandigarh and another

....Respondents

**CORAM:- HON'BLE MRS. JUSTICE LISA GILL**

Present: Mr. Sanjeev Kumar Bawa, Advocate  
for the petitioners.

Mr. G.S. Rathore, Additional Public Prosecutor  
for UT, Chandigarh.

Mr. Raman Mahajan, Advocate  
for respondent No.2.

\*\*\*

**LISA GILL, J.**

Prayer in this petition is for quashing of FIR No. 196 dated 19.06.2014 registered under Sections 406, 498A of the Indian Penal Code ('IPC' – for short) at Police Station Sector 17, Chandigarh 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 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 terms of which were reduced into writing on 23.12.2016 (Annexure P-2). 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 27.04.2017 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, 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/Illaqa Magistrate was also directed to intimate whether any of the petitioners are absconding/proclaimed offenders and whether any other case is pending against them. Information was sought as to whether all affected persons are a party to the settlement.

Pursuant to order dated 27.04.2017, the parties appeared before the learned Judicial Magistrate First Class, Chandigarh and their statements were recorded on 04.07.2017. Respondent No.2 stated that the matter has been settled between the parties. She has received a sum of Rs. 2,60,000/- out of which Rs. 1,30,000/- was received by way of demand draft on 07.01.2017 and another demand draft for a sum of Rs. 1,30,000/- has been received by her on 04.07.2017 itself. It is further stated that she would not lay any claim to the jewellery lying with the Muthoot Finance. Her entire claim - past, present or future against petitioner No. 1 stands satisfied. It is mentioned that she would be entitled to receive all the dowry articles lying in police custody. The settlement, it is stated, has been arrived at out of free will of respondent No. 2, without any kind of pressure. A joint statement of the petitioners in respect to the settlement was recorded. It is stated by the petitioners that they would not claim any of the dowry articles of respondent

No. 2 lying in police custody. Respondent No. 2 stated that she has no objection to the quashing of the abovesaid FIR qua the petitioners.

As per report dated 10.07.2017 received from the learned Judicial Magistrate First Class, Chandigarh, it is opined that the compromise between the parties is voluntary, genuine and without any coercion or undue influence. None of the accused petitioners are stated to be the proclaimed offenders. The 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 against both the petitioners.

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.

Learned counsel for the petitioners submits that FAO No. 97 of 2016 filed by petitioner No. 1 shall be withdrawn on 26.07.2017.

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. 196 dated 19.06.2014 registered under Sections 406, 498A of IPC at Police Station Sector 17, Chandigarh 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.

July 17, 2017  
rts

**(Lisa Gill)**  
**Judge**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No