

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

**Criminal Misc. No. M- 5983 of 2017(O&M)**

**Date of Decision: July 19 , 2017.**

Vikas Joshi and others ..... PETITIONER(s)

**Versus**

State of Punjab and another ..... RESPONDENT (s)

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

Present: Mr. Sanjeev Duggal, Advocate  
for the petitioners.

Mr. Karambir Singh, AAG, Punjab.

None for respondent No.2.

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**LISA GILL, J.**

Prayer in this petition is for quashing of FIR No.34 dated 27.07.2013 under Sections 406/498A IPC registered at Police Station Satnampura, District Kapurthala and all other consequential proceedings arising therefrom on the basis of compromise dated 10.10.2016 (Annexure P2) 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 10.10.2016.

The parties wish to live in peace and harmony and put an end to the acrimony

between them.

Learned counsel for the petitioners submits that the petition under Section 13B of the Hindu Marriage Act, 1955 preferred by respondent No.2 and petitioner No.1 has since been allowed on 17.04.2017. Photocopy of the same, produced in Court today, is taken on record subject to just exceptions.

This Court on 23.02.2017 directed the parties to appear before learned trial court for recording their statements in respect to the above-mentioned compromise. Learned trial court 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 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 23.02.2017, the parties appeared before the learned Sub Divisional Judicial Magistrate, Phagwara and their statements were recorded on 21.03.2017. Respondent No.2 stated that the matter has been amicably resolved with all the accused petitioners. The settlement, it is stated, has been arrived at out of her own free will, without any kind of fear, threat or coercion. Copy of the compromise arrived at between the parties produced before the learned Magistrate has been marked as Mark X. Respondent No.2 stated that she has no objection to the quashing of the abovesaid FIR qua all the petitioners. A joint statement of the petitioners in respect to the settlement was recorded. Statement of Dalip Kumar, a witness to the settlement between the parties was recorded as well.

As per report dated 21.03.2017 received from the learned Sub Divisional Judicial Magistrate, Phagwara it is opined that the compromise between parties is genuine and voluntary, without any threat, coercion or undue influence. None of the petitioners are stated to be proclaimed offenders. Statements of the parties are appended alongwith the said report.

Respondent No.2 – Smt. Priya appeared in-person before this Court on 23.02.2017. She had affirmed and verified the factum of settlement between the parties. It was further stated that she has no objection to the quashing of the abovementioned FIR against all the petitioners.

Learned counsel for the State, on instructions from ASI Hans Raj, 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. 34 dated 27.07.2013 under Sections 406/498A IPC registered at Police Station Satnampura, District Kapurthala alongwith all consequential proceedings are, hereby, quashed.

July 19 , 2017.  
'om'

( LISA GILL )  
JUDGE

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