

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

**CRM No. M-6000 of 2017
Date of decision: 17.05.2017**

Kuljeet Singh and another

..... Petitioners.

Versus

State of Haryana and another

..... Respondents.

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Sunil K. Tandon, Advocate, for the petitioners.

Mr. Sanjay K. Saini, AAG, Haryana.

Mr. Inderjeet Singh, 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. 165 dated 25.08.2009 (**Annexure P-1**) registered under Sections 406, 498-A, 506, 34 of the Indian Penal Code (for short 'IPC') at Police Station Chhachhrauli, District Yamuna Nagar 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. Jasdeep Kaur. The dispute arose between the parties because of matrimonial discord between petitioner No. 1 and respondent No.2.

With the intervention of respectables, elders and relatives, the matter has been amicably resolved between the parties. Petitioner No.1 and respondent No.2 have decided to part ways. It is submitted that petition under Section 13- B of the Hindu Marriage Act filed by petitioner No.1 and respondent No. 2 has since been allowed on 05.04.2017.

There were four persons arrayed as accused in this case. However, during investigation two of them namely, Parvinder Kaur and Randeep Singh were found innocent. It is only the present petitioners who were proceeded against.

This Court on 20.03.2017 directed the parties to appear before the learned Illaqa Magistrate/trial Court on 06.04.2017 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 Illaqa Magistrate/trial court was directed to intimate whether the petitioners are proclaimed offenders and whether any other case is pending against them.

Pursuant to order dated 20.03.2017, the parties appeared before the learned Judicial Magistrate 1st Class, Bilaspur and their statements were recorded on 06.04.2017. Respondent No.2-Smt. Jasdeep Kaur has stated that the matter has been amicably resolved between the parties. The settlement has been arrived at out of her own free will and volition, without any kind of pressure, coercion or undue influence. The parties, it is stated will remain bound by the terms and conditions of the settlement. Respondent No. 2 has stated that she does not wish to pursue the matter any further and has no objection to the quashing of this FIR against the petitioners. A joint statement of the petitioners in respect to the settlement was also recorded.

As per report dated 15.04.2017, submitted by the learned Judicial Magistrate 1st Class, Bilaspur it is opined that the compromise between the parties has been arrived at out of their own free will and volition. The same is

not a result of any undue influence or coercion. The petitioners are not proclaimed offenders and neither are any such proceedings or criminal case pending against them.

Learned counsel for the complainant/respondent No.2 reaffirms and reiterates 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 petitioners.

Learned counsel for the State on instructions from HC Raj Kumar, Police Station Chhachhrauli, Yamuna Nagar 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.

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This petition is, thus, allowed and FIR No. 165 dated 25.08.2009 registered under Sections 406,498-A,506,34 of the IPC at Police Station Chhachhrauli, District Yamuna Nagar alongwith all consequential proceedings arising therefrom are hereby quashed qua the petitioners.

(LISA GILL)
JUDGE

17.05.2017

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Whether speaking/reasoned : *Yes/No.*

Whether reportable : *Yes/No.*