

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

CRM-M-6268 of 2017 (O&M)

Date of Decision:07.12.2017

Lakhwinder Singh and others

..... Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Ms. Puja Chopra, Advocate
for the petitioners.

Mr. Sauraj Khurana, DAG, Punjab.

Mr. Tapish Kumar Gupta, Advocate
for respondent no.2.

LISA GILL, J(Oral).

Prayer in this petition is for quashing of FIR No.79 dated 03.09.2013, under Sections 406, 498-A IPC, registered at Police Station Women Patiala, District Patiala, along with all other consequential proceedings arising therefrom on the basis of compromise/ settlement (Annexure P-2) arrived at between the parties.

It is submitted that the above-said FIR was registered at the instance of respondent No.2 due to matrimonial discord with her husband-petitioner no.1. It is informed that petitioner no.1 and respondent no.2 are now living together along with their minor child in peace and harmony. In this view of the matter, respondent no.2 no longer wishes to continue with the proceedings against the accused-

petitioners.

Learned counsel for the petitioners submits that 8 Kanal 13 Marlas of land situated in village Brass, Police Station Ghagga, District Patiala, has been transferred in favour of the minor son of respondent no.2 and petitioner no.1. Therefore, it is prayed that this petition be allowed.

This Court on 20.03.2017 directed the parties to appear before the learned trial court for recording of 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 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 20.03.2017, the parties appeared before the learned Judicial Magistrate Ist Class, Patiala, and their statements were recorded on 28.04.2017. Respondent No.2 stated that she has compromised the matter with all the four accused-petitioners out of her own free will, without any fear, pressure or coercion. It is stated that respondent no.2 is now residing with her husband as per the compromise Mark-X. Respondent no.2 further states that she has no objection whatsoever to the quashing of the abovesaid FIR against all the petitioners. Joint statements of all the petitioners as well as of the witnesses of the compromise in respect to the settlement were

recorded.

As per report dated 04.05.2017, received from the learned Judicial Magistrate Ist Class, Patiala, satisfaction is expressed that the compromise between the parties is genuine, arrived at out of the free will of the parties, without any pressure or undue influence. None of the petitioners is reported to be a proclaimed offender.

Learned counsel for respondent No.2 affirms and verifies the factum of settlement between the parties. It is reiterated that respondent No.2 has no objection to the quashing of the above-mentioned FIR against the petitioners in view of the settlement between the parties.

Learned counsel for the State has not raised any serious 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 above-said 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.79 dated 03.09.2013, under Sections 406, 498-A IPC, registered at Police Station Women Patiala, District Patiala, along with 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.

07.12.2017
s.khan

[LISA GILL]
Judge

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.