

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

**Criminal Revision No.2112 of 2015(O&M)**

**Date of Decision: November 15 , 2017.**

Falkan Singh and others ..... PETITIONERS

**Versus**

Raj Rani ..... RESPONDENT

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

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

Mr. G.S.Thind, Advocate  
for the respondent.

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**LISA GILL, J.**

The petitioners have been convicted for the offences punishable under Sections 406/498A IPC and sentenced to undergo rigorous imprisonment for two years vide judgment and order dated 05.10.2013 passed by the learned trial court. Their conviction was upheld by the learned Additional Sessions Judge, Ferozepur vide judgment dated 11.05.2015.

Learned counsel for the petitioner submits that the matter has been compromised between the parties during the pendency of this revision petition as is reflected in affidavit dated 18.01.2017 (Annexure P2 with CRM No.5584 of 2017) suffered by the complainant. The complainant, it is submitted, has agreed to accept the exparte decree of divorce dated 01.04.2014 granted in favour of

petitioner No.1. Learned counsel for the petitioners submits that the present proceedings emanate from a matrimonial dispute, thus this revision petition be allowed in the interest of justice.

This Court on 09.08.2017 directed the parties to appear before learned Illaqa Magistrate for recording their statements in respect to the above-mentioned compromise. Learned 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 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 09.08.2017, the parties appeared before the learned Judicial Magistrate First Class, Ferozepur and their statements were recorded on 24.08.2017. The respondent – Raj Rani stated that she had filed complaint No.88-A of 21.07.2006 against all the three petitioners. They were convicted by the learned Chief Judicial Magistrate, Ferozepur on 05.10.2013. Their appeal was also dismissed by the learned Additional Sessions Judge, Ferozepur on 11.05.2015. It is further stated that the complainant compromised the matter with all the petitioners out of her own free will, without any undue pressure or coercion. She has received a sum of ₹2,50,000/- as full and final payment for her permanent alimony from the accused persons. Respondent No.2 further stated that she accepts the exparte decree dated 01.04.2014 granting divorce to petitioner No.1. It is further stated that she has no objection in case

the present Criminal Revision No.2112 of 2015 is allowed and conviction of the petitioners is set aside. Joint statements of the petitioners in respect to the settlement was recorded as well.

As per report dated 24.08.2017 received from the learned Judicial Magistrate First Class, Ferozepur, it is opined that the compromise between the parties is genuine and valid, arrived at out of their sweet will, with out any undue influence or pressure from any quarter. The petitioners are not reported to be involved in any other criminal case or proclaimed offenders. Statements of the parties are appended alongwith the said report.

Learned counsel for the respondent reaffirms and verifies the factum of settlement between the parties. It is reiterated that the respondent has no objection to the acquittal of the petitioners in view of the settlement arrived at between the parties. The entire settled amount has since been received by the respondent.

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 the present case, parties have ultimately settled their dispute

arising from matrimonial discord. They have decided to carry on with their respective lives in a peaceful manner. Therefore in order to dispense complete justice to the parties, in the facts and circumstances of this case, it would be in the interest of justice to allow this petition and set aside the conviction of the petitioners.

This revision petition is accordingly allowed. Judgment and order dated 05.10.2013 passed by the learned Chief Judicial Magistrate, Ferozepur as well as judgment dated 11.05.2015 by the learned Additional Sessions Judge, Ferozepur are set aside in view of the settlement between the parties. The petitioners are accordingly acquitted of the charges against them. Petitioners are on bail. Their bail bonds and surety be accordingly discharged.

November 15 , 2017.  
'om'

( **LISA GILL** )  
**JUDGE**

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