

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

Criminal Misc. No.M- 6446 of 2017 (O&M)

Date of decision : November 03, 2017

Vikram Soni

.....Petitioner

Versus

State of Punjab and another

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Raman Mohinder Sharma, Advocate
for the petitioner.

Mr. Rahul Rathore, DAG, Punjab.

Mr. Deshpreet Singh, Advocate
for respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No. 130 dated 16.07.2013 under Sections 406, 498A, 494 IPC registered at Police Station City-I, Abohar 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 instance of respondent No.2 due to matrimonial discord with her husband - petitioner. 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 07.11.2016 (Annexure P-2). It is submitted that the petitioner and respondent No. 2 have decided to bury the hatchet. They have been living together at the matrimonial home since November 2016. The present petition has been filed on the basis of this compromise.

This Court on 08.05.2017 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 the petitioner is absconding/proclaimed offender and whether any other case is pending against him. Information was sought as to whether all affected persons are a party to the settlement.

Pursuant to order dated 08.05.2017, the parties appeared before the learned Sub Divisional Judicial Magistrate, Abohar and their statements were recorded on 26.05.2017. Respondent No.2 stated that the matter has been compromised by her with the accused petitioner out of her own free will, without any pressure or coercion. It is stated that she is living together with the petitioner – her husband at the matrimonial home. Respondent No. 2 further stated that she no longer wishes to pursue the matter against her husband – petitioner and she has no objection to the quashing of the abovesaid FIR qua the petitioner. Statement of the petitioner in respect to

the compromise was also recorded.

As per report dated 26.05.2017 received from the learned Sub Divisional Judicial Magistrate, Abohar it is opined that the compromise between the parties is genuine, voluntary and arrived at without any coercion or undue influence. The petitioner is not reported to be a proclaimed offender. 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.

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.

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. 130 dated 16.07.2013 under Sections 406, 498A, 494 IPC registered at Police Station City-I, Abohar 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.

November 03, 2017
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No