

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

Criminal Misc. No. M- 6618 of 2017(O&M)

Date of Decision: July 27 , 2017.

Arshdeep Kaur and others PETITIONER(s)

Versus

State of Punjab and another RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. PBS Goraya, Advocate
for the petitioners.

Mr. Karambir Singh, AAG, Punjab..

None for respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.132 dated 26.07.2016 under Sections 420/120B IPC registered at Police Station City Tarn Taran, District Tarn Taran and all other consequential proceedings arising therefrom on the basis of a compromise arrived at between the parties.

It is submitted that the present FIR basically stems from a matrimonial dispute between petitioner No.1 and respondent No.2. The abovesaid FIR was registered at the behest of respondent No.2. With the intervention of respectables and relatives, the matter has been amicably resolved between the parties. It is submitted that petitioner No.1 and respondent No.2 have since filed a petition under Section 13B of the Hindu Marriage Act, 1955 for divorce by mutual consent. Parties do not wish to continue with the present FIR which essentially stems from the matrimonial dispute. They wish to live in peace

and harmony and put an end to the acrimony between them.

This Court on 03.04.2017 directed the parties to appear before learned trial court/Illaqa Magistrate 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 trial court/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 03.04.2017, the parties appeared before the learned Chief Judicial Magistrate, Tarn Taran and their statements were recorded on 09.05.2017. Respondent No.2 stated that the matter has been amicably resolved with all the accused petitioners. Settlement has been arrived at out of his own free and sweet will, without any pressure or coercion. It is stated that he has no objection to the quashing of the abovesaid FIR qua the petitioners. Joint statement of all the petitioners in respect to the settlement was recorded as well.

As per report dated 11.05.2017 received from the learned Chief Judicial Magistrate, Tarn Taran it is opined that the settlement between the parties is genuine and voluntary, arrived at without any coercion or undue influence. None of the petitioners are reported to be proclaimed offenders. Statements of the parties are appended alongwith the said report.

Mr. Bhupinder Banga, Advocate had appeared on behalf of respondent No.2 before this Court on 03.04.2017. He had affirmed and verified the factum of settlement between the parties.

Learned counsel for the State submits that as the abovesaid FIR under Sections 420/120B IPC primarily 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”.

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.132 dated 26.07.2016 under Sections 420/120B IPC registered at Police Station City Tarn Taran, District Tarn Taran alongwith all consequential proceedings are, hereby, quashed.

July 27, 2017.
'om'

(LISA GILL)
JUDGE

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