

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

CRM-M-6653 of 2017

Date of Decision : Oct.25, 2017

Sham Lal and anotherPetitioners

Versus

State of Punjab and anotherRespondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Sandeep Arora, Advocate
for the petitioners.

Mr. S.K.Khurana, DAG, Punjab

Mr. Puneet Sharma, Advocate for
Mr. G.S.Rawat, Advocate
for respondent No.2.

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LISA GILL, J. (Oral)

Prayer in this petition is for quashing of FIR No.71 dated 20.10.2012 under Sections 406, 498-A IPC registered at Police Station Women Cell, Jalandhar along with all other consequential proceedings arising therefrom on the basis of compromise dated 18.11.2016 (Annexure P2) arrived at between the parties.

It is submitted that petitioner No.1 and his wife-respondent No.2 decided to bury the hatchet and they have started living together at their matrimonial home along with their children.

This Court on 30.05.2017 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 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 30.05.2017, the parties appeared before the learned Judicial Magistrate First Class, Jalandhar and their statements were recorded on 07.06.2017. Respondent No.2 stated that she has amicably resolved the matter with both the accused-petitioners. The settlement has been arrived at without any threat, inducement, coercion or pressure. It is further stated by respondent No.2 that she is residing along with her husband at the matrimonial home and she does not wish to proceed further in the present matter. Respondent No.2 stated that she has no objection to the quashing of the above-said FIR against the petitioners. Statements of the petitioners in respect to the compromise were also recorded.

As per report dated 15.06.2017 received from the learned Judicial Magistrate First Class, Jalandhar, it is opined that the settlement between the parties is genuine and without any force or pressure. None of the petitioners is reported to be a proclaimed offender. Statements of the parties are appended along with 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 above-mentioned FIR against the petitioners subject to strict adherence to the terms and conditions of the

settlement by the petitioners.

Learned counsel for the State, on instructions from ASI Ravi Kumar, Police Station Women Cell, Jalandhar, submits that as the above-said 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 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. 71 dated 20.10.2012 under Sections 406, 498-A IPC registered at Police Station Women Cell, Jalandhar 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.

25.10.2017

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(LISA GILL)
JUDGE

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