

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

CRM No. M-6666 of 2017 (O&M)

Date of decision: 30.05.2017

Rohit Sharma

..... Petitioner.

Versus

State of Punjab and another

..... Respondents.

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. N.S. Goraya, Advocate, for
Mr. Vishal Munjal, Advocate, for the petitioners.
Mr. K.D. Sachdeva, Addl. A.G., Punjab.

Mr. Rajeev Dev Sharma, Advocate, for respondent No.2.

LISA GILL, J.

This petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of FIR No. 59 dated 22.05.2015 registered under Section 498-A of the Indian Penal Code (for short 'IPC') at Police Station Sujampur, Tehsil and District Pathankot and all other consequential proceedings arising therefrom on the basis of an amicable settlement arrived at between the parties.

The above said FIR was registered at the behest of respondent No. 2. The dispute arose between the parties because of matrimonial discord between the petitioner and respondent No.2.

With the intervention of respectables, elders and relatives, the matter has been amicably resolved between the parties. Petitioner No.1 and respondent No.2 have decided to part ways.

This Court on 05.04.2017 directed the parties to appear before the learned trial Court on 02.05.2017 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 directed to intimate whether the petitioner is a proclaimed offender and whether any other case is pending against him.

Pursuant to order dated 05.04.2017, the parties appeared before the learned Additional Chief Judicial Magistrate, Pathankot and their statements were recorded on 02.05.2017. Respondent No.2-Smt. Anu Sharma stated that she has amicably resolved the matter with the accused-petitioner. It is mentioned that petition under Section 13- B of the Hindu Marriage Act has been filed. Respondent No. 2 stated that she has no objection if the above said FIR and all the consequential proceedings arising therefrom against the petitioner are quashed. Statement of the petitioner in respect to the settlement was recorded.

As per report dated 03.05.2017, submitted by the learned Additional Chief Judicial Magistrate, Pathankot, it is opined that the compromise between the parties is genuine. The petitioner is the sole accused and he is not a proclaimed offender.

Learned counsel for the complainant/respondent No.2 reaffirms and verifies the factum of settlement between the parties. It is stated that respondent No. 2 has no objection, whatsoever, to the quashing of the above mentioned FIR provided the petitioner adheres to the terms and conditions of the compromise arrived at between the parties and specifically tenders the rest of the amount i.e. ₹ 2 lakhs due to respondent No. 2, at the time of recording of their statements at second motion in the petition under Section 13-B of the Hindu Marriage Act, which is listed for 08.07.2017.

Learned counsel for the State on instructions from HC Murti Lal, Police Station Sujanpur submits that the present being a matrimonial dispute,

the State has no objection to the quashing of this FIR on the basis of a settlement 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.

In view of the above, 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 only lead to wastage of precious time of the court and would be an exercise in futility.

This petition is, thus, allowed and FIR No. 59 dated 22.05.2015 registered under Section 498-A of the IPC at Police Station Sujampur, Tehsil and District Pathankot alongwith all consequential proceedings arising therefrom 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 or it is found that the settlement was a mere ruse to have the aforesaid FIR quashed.

(LISA GILL)
JUDGE

30.05.2017

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