

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

CRM-M No.7119 of 2017

Date of Decision: 21.08.2017

Amrinder Singh and others

. . . Petitioners

Versus

State of Punjab and another

. . . Respondents

CORAM: HON'BLE MRS. JUSTICE LISA GILL

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

Mr. Davinder Bir Singh, DAG, Punjab.

Mr. Harkesh Manuja, Advocate
for respondent No.2/complainant.

Lisa Gill, J. (Oral)

Prayer in this petition is for quashing of FIR No.145 dated 11.12.2016, under Sections 498-A, 406, 120-B IPC registered at Police Station Khamanon, 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 behest of respondent No.2 due to matrimonial discord with her husband i.e., petitioner No.1. With the intervention of respectables and relatives, a compromise was arrived at between the parties, the terms of which were reduced into

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writing on 19.01.2017. This petition has been filed on the basis of the compromise.

This Court on 03.03.2017 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 03.03.2017, the parties appeared before the learned Sub Divisional Judicial Magistrate, Khamanon and their statements were recorded on 27.03.2017. Respondent No.2 stated that the matter has been amicably resolved with all the accused. The compromise has been entered into out of her own free will, without any pressure, coercion, undue influence, misrepresentation or threat from any quarter. It is stated by respondent No.2 that petition under Section 13-B of the Hindu Marriage Act was fixed for 17.08.2017 before learned Additional District Judge, Fatehgarh Sahib for recording statement of the parties. Respondent No.2 stated that she has no objection to the quashing of the abovesaid FIR qua the petitioners. Statements of the petitioners in respect to the settlement were recorded as well.

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As per report dated 07.04.2017, received from the learned Sub Divisional Judicial Magistrate, Khamanon, it is opined that the compromise between the parties is genuine arrived out of the free will of the parties without any pressure or undue influence from any quarter. None of the petitioners is reported to be a proclaimed offender. Statements of the parties are appended alongwith the said report.

Learned counsel for the petitioners and respondent No.2 submit that petition under Section 13-B of the Hindu Marriage Act has since been decreed on 17.08.2017. The entire settled amount has since been received by respondent No.2. It is reiterated that respondent No.2 has no objection to the quashing of the abovementioned FIR against all the petitioners.

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”.

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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.145 dated 11.12.2016, under Sections 498-A, 406, 120-B IPC registered at Police Station Khamanon, and all other consequential proceedings are hereby, quashed.

[LISA GILL]
JUDGE

August 21, 2017
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Whether Speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No