

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

Criminal Misc. No. M- 7179 of 2017(O&M)

Date of Decision: July 19 , 2017.

Sushil Verma

..... PETITIONER(s)

Versus

U.T. Chandigarh and another

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Balraj Gujjar, Advocate
for the petitioner.

Mr. G.S.Chahal, APP, U.T.

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

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.218 dated 11.06.2015 under Sections 498A/406 IPC registered at Police Station Sector 39, Chandigarh 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., the petitioner. With the intervention of respectables and relatives, a compromise was arrived at between the parties, the terms of which were reduced into writing on 25.11.2016. The parties wish to live in peace and harmony and put an end to the acrimony between them.

This Court on 28.03.2017 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 and validity or otherwise of the compromise. Learned trial court was also directed to intimate the number of total accused facing trial and status/stage thereof.

Pursuant to order dated 28.03.2017, the parties appeared before the learned Judicial Magistrate First Class, Chandigarh and their statements were recorded on 06.04.2017. Respondent No.2 stated that she has amicably resolved the dispute with her husband i.e., the petitioner. It is further stated that petition under Section 125 Cr.P.C. as well as the complaint under the Protection of Women from Domestic Violence Act, 2005 filed by her have been withdrawn. The settlement, it is stated, has been arrived at out of her own free will and consent, without any kind of pressure, coercion or undue influence. Respondent No.2 stated that she has no objection in case this petition is allowed and abovesaid FIR is quashed against the petitioner. Statement of the petitioner in respect to the settlement was recorded as well.

As per report dated 11.04.2017 received from the learned Judicial Magistrate First Class, Chandigarh it is opined that the matter has been settled by the parties voluntarily, without any threat or coercion from any quarter. The petitioner, who is the sole accused, is not a proclaimed offender. The statements of the parties are appended alongwith the said report.

It is submitted by learned counsel for the parties that in terms of the compromise, a residential Unit No.G104, 1st Floor in Sushma Elite Cross, Gazipur, Zirakpur, District SAS Nagar (Mohali) has been purchased in the names

of petitioner – Sushil Verma and respondent No.2 – Smt. Anju Verma to the extent of 50% share each. It is further submitted that all the terms and conditions regarding the FDRs in the names of both the minor children have also been carried out.

Learned counsel for respondent No.2 reaffirms and verifies the factum of settlement between the parties. It is verified that the terms and conditions of the settlement in respect to the purchase of the property, FDRs etc. have been complied with. 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”.

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. 218 dated 11.06.2015 under Sections 498A/406 IPC registered at Police Station Sector 39, Chandigarh 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.

July 19 , 2017.
'om'

(LISA GILL)
JUDGE

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