

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

Criminal Misc. No. M- 7678 of 2017(O&M)

Date of Decision: July 3 , 2017.

Amrinder Singh and others PETITIONER(s)

Versus

State of Punjab and another RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Pranav Chadha, Advocate
for the petitioners.

Ms. Monika Jalota, DAG, Punjab.

Mr. S.S.Kaushik, Advocate
for respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.240 dated 16.11.2012 under Section 498A IPC registered at Police Station Beas, District Amritsar Rural and all other consequential proceedings arising therefrom on the basis of compromise dated 16.01.2017 (Annexure P2) 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. A settlement between the parties was arrived at before the Mediation and Conciliation Centre at Amritsar. The terms and conditions of the settlement were reduced into

writing on 16.01.2017 (Annexure P2). The parties wish to live in peace and harmony and put an end to the acrimony between them. The present petition has been filed on the basis of this compromise.

This Court on 28.04.2017 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 28.04.2017, the parties appeared before the learned Sub Divisional Judicial Magistrate, Baba Bakala Sahib and their statements were recorded on 16.05.2017. Respondent No.2 stated that the matter has been amicably resolved with all the accused persons and she does not wish to take any further action against any of the accused persons. It is further stated that the settlement has been arrived at out of her own free will without any threat or pressure. Petition under Section 125 Cr.P.C. filed by her has since been withdrawn by her. Petition under Section 13B of the Hindu Marriage Act, 1955 is stated to be pending for recording the statements of the parties at second motion. Respondent No.2 stated that she has no objection in case the abovesaid FIR is quashed against all the accused persons. Statements of the petitioners

were also recorded in respect to the settlement. The Investigating Officer of the case has stated that none of the accused is a proclaimed offender.

As per report dated 09.06.2017 received from the learned Sub Divisional Judicial Magistrate, Baba Bakala Sahib, the settlement between the parties is opined to be genuine, voluntary and out of their free will without pressure or coercion. Copies of the statements of the parties are appended alongwith 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 abovementioned FIR against all the petitioners subject to the petitioners adhering to the terms and conditions of the settlement dated 16.01.2017, particularly, the payment of the second installment of ₹9,00,000/- on 28.08.2017.

Learned counsel for the State, on instructions from ASI Kuljeet Singh, 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.240 dated 16.11.2012 under Section 498A IPC registered at Police Station Beas, District Amritsar Rural 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. Respondent No.2 shall also be entitled to retain the first installment received by her in terms of the settlement if the petitioners do not carry out the remaining obligations.

July 3 , 2017.
'om'

(**LISA GILL**)
JUDGE

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