

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

Criminal Misc. No. M- 7855 of 2017(O&M)

Date of Decision: September 18 , 2017.

Sukhdeep Singh and others PETITIONER(s)

Versus

State of Punjab and others RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Ms. Poonam Tara Prasher, Advocate
for the petitioners.

Mr. Karanbir Singh, AAG, Punjab.

Mr. Umesh Aggarwal, Advocate
for respondents No.2 and 3.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.165 dated 01.12.2015 under Sections 323/498A IPC registered at Police Station Beas 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 instance of respondent No.2, who is the father of respondent No.3. The FIR in question stems from matrimonial discord between petitioner No.1 and respondent No.3. With the intervention of respectables and relatives, a compromise was arrived at between the parties, the terms of which were reduced into writing on 20.02.2017 (Annexure P2). It is informed that petitioner No.1 and respondent No.3 decided

to part ways and petition under Section 13B of the Hindu Marriage Act, 1955 filed by them has since been allowed on 21.08.2017.

This Court on 17.05.2017 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 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 17.05.2017, the parties appeared before the learned Sub Divisional Judicial Magistrate, Baba Bakala Sahib and their statements were recorded on 01.06.2017. The complainant/respondent No.2 as well as the affected person/victim i.e., respondent No.3 stated that the matter has been amicably resolved between the parties. Compromise dated 20.02.2017 (Annexure P2) was tendered as Mark 'A'. It is further stated that petition under Section 13B of the Hindu Marriage Act, 1955 was pending for recording statements of the parties at second motion on 21.08.2017. The settlement, it is stated, has been arrived at between the parties out of their free will, without any threat or pressure. Furthermore, they have no objection in case the abovesaid FIR is quashed against the accused petitioners. Joint statement of the petitioners in respect to the settlement was recorded as well.

As per report dated 15.06.2017 received from the learned Sub Divisional Judicial Magistrate, Baba Bakala Sahib, it is opined that the

settlement between the parties is genuine and voluntary, arrived at out of their free will without any pressure or coercion. None of the petitioners are reported to be proclaimed offenders. Statements of the parties are appended alongwith the said report.

Learned counsel for respondents No.2 and 3 reaffirms and verifies the factum of settlement between the parties. It is reiterated that respondents No.2 and 3 have 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 the FIR in question as well as all consequential proceedings 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.165 dated 01.12.2015 under Sections 323/498A IPC registered at Police Station Beas alongwith all consequential proceedings are, hereby, quashed.

September 18 , 2017.
'om'

(LISA GILL)
JUDGE

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