

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

Criminal Misc. No.M- 7993 of 2017 (O&M)

Date of decision : October 03, 2017

Vijesh Bhardwaj

.....Petitioner

Versus

State of Punjab and another

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. S.K. Choudhary, Advocate
for the petitioner.

Mr. Rahul Rathore, DAG, Punjab.

None for respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No. 68 dated 30.07.2013 under Sections 498A, 406 IPC registered at Police Station Shahpurkandi, District Pathankot 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 due to matrimonial discord with her husband - petitioner. With the intervention of respectables and relatives, a compromise has been arrived at between the parties, the terms of which were reduced into writing on 18.02.2017. The parties decided to bury the hatchet and have started living together again. The present petition has been filed on the basis of this compromise.

This Court on 09.03.2017 directed the parties to appear before

learned trial court/Illaq Magistrate for recording their statements in respect to the above-mentioned compromise. Learned trial court/Illaq Magistrate was directed to submit a report regarding the validity or otherwise of the compromise.

Pursuant to order dated 09.03.2017, the parties appeared before the learned Chief Judicial Magistrate, Pathankot and their statements were recorded on 21.03.2017. Respondent No.2 stated that the matter has been amicably resolved with the petitioner out of her own free will, without any kind of pressure and coercion. Respondent No. 2 stated that she has started living with her husband – petitioner. Respondent No.2 further stated that she has no objection to the quashing of the abovesaid FIR qua the petitioner. Statement of the petitioner in respect to the compromise was also recorded. It is stated by the parties that all proceedings initiated by both of them would be withdrawn.

As per report dated 28.03.2017 received from the learned Chief Judicial Magistrate, Pathankot, the compromise between the parties is opined to be genuine, valid, arrived at out of the free will of the parties, without any kind of coercion and undue influence. The petitioner is not reported to be a proclaimed offender. Statements of the parties are appended alongwith the said report.

This matter was adjourned on 08.05.2017 as it was brought to the notice of this Court by learned counsel for respondent No. 2 that the petitioner has not withdrawn FAO-M No. 182 of 2016 pending before this Court.

Learned counsel for the petitioner informs that the above said appeal has been withdrawn on 02.08.2017. Copy of order dated 02.08.2017

produced in Court today is taken on record subject to just exceptions. Learned counsel for the petitioner reiterates that the petitioner and his wife i.e. respondent No. 2 are living together as on date.

Learned counsel for the State, on instructions from HC Naresh Kumar, Police Station Shahpurkandi, District Pathankot, 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. 68 dated 30.07.2013 under Sections 498A, 406 IPC registered at Police Station Shahpurkandi, District Pathankot 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.

October 03, 2017
rts

(Lisa Gill)
Judge

Whether speaking/reasoned :

Yes/No

Whether reportable :

Yes/No