

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

**CRM No. M-800 of 2017
Date of decision: 28.04.2017**

Ranjit Singh

..... Petitioner.

Versus

State of Punjab and another

..... Respondents.

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Ravi Malhotra, Advocate, for the petitioner.

Mr. Rajpreet Singh Sidhu, AAG, Punjab.

Ms. Surinder Kaur, Advocate, for respondent No.2.

LISA GILL, J.

This petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of FIR No. 119 dated 23.10.2015 (**Annexure P-1**) registered under Sections 498-A and 406 of the Indian Penal Code (for short 'IPC') at Police Station Women Cell, District Patiala and all other consequential proceedings arising therefrom on the basis of an amicable settlement (**Annexure P-2**) arrived at between the parties.

The above said FIR was registered at the behest of respondent No. 2-Smt.Ramanjit Kaur. The dispute arose between the parties because of matrimonial discord between petitioner and respondent No.2

With the intervention of respectables, elders and relatives, the matter has been amicably resolved between the parties. The terms and conditions of the compromise were reduced into writing on 27.05.2016. The compromise is on record of this petition as Annexure P-2. It is informed that a petition under Section 13- B of the Hindu Marriage Act filed by petitioner and respondent No. 2 has since been allowed on 02.12.2016.

This Court on 06.03.2017 directed the parties to appear before the learned Illaqa Magistrate/trial Court on 17.03.2017 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 threat, coercion or undue pressure. Learned Illaqa Magistrate/trial court was directed to intimate whether the petitioner is a proclaimed offender and whether any other case is pending against him.

Pursuant to order dated 06.03.2017, the parties appeared before the learned Judicial Magistrate 1st Class, Patiala and their statements were recorded on 17.03.2017. Respondent No.2-Smt. Ramanjit Kaur has specifically stated that she has amicably resolved the entire dispute with the petitioner, her husband. Decree of divorce by mutual consent was granted in their favour on 02.12.2016. The settlement, it is stated has been arrived at out of her own free will without any threat, coercion or undue pressure. It is stated by respondent No. 2 that she has no objection to the quashing of the aforementioned FIR against the petitioner. Statement of the petitioner in respect to the settlement was recorded.

As per report dated 19.04.2017, submitted by the learned Judicial Magistrate 1st Class, Patiala, it is opined that the settlement between the parties is genuine and arrived at out of the free will and consent of the parties, without any kind of threat or pressure. The petitioner is the sole accused in this case and he is not a proclaimed offender neither are any such proceedings pending against him.

Learned counsel for the complainant/respondent No.2 reaffirms and verifies the factum of settlement between the parties. It is stated that respondent No. 2 has no objection, whatsoever, to the quashing of the above mentioned FIR qua the petitioner.

Learned counsel for the State on instructions from HC Rajinder Kumar submits that the present being a matrimonial dispute, the State has no objection to the quashing of this FIR on the basis of a settlement 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.

In view of the above, 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 only lead to wastage of precious time of the court and would be an exercise in futility.

This petition is, thus, allowed and FIR No. 119 dated 23.10.2015 registered under Sections 498-A and 406 of the IPC at Police Station Women

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Cell, District Patiala alongwith all consequential proceedings arising therefrom
are hereby quashed.

(LISA GILL)
JUDGE

28.04.2017
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Whether speaking/reasoned : *Yes/No.*

Whether reportable : *Yes/No.*