

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

**CRM No. M-8296 of 2017
Date of decision: 23.05.2017**

Jagpreet Singh

..... Petitioner.

Versus

State of Punjab and others

..... Respondents.

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Umesh Aggarwal, Advocate, for the petitioner.

Mr. K.D. Sachdeva, Addl. A.G., Punjab.

Mr. Chetan Bansal, Advocate, for
Mr. Prateek Sodhi, Advocate, for respondents No. 2 and 3.

LISA GILL, J.

This petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of FIR No. 45 dated 16.06.2015 registered under Section 498-A of the Indian Penal Code (for short 'IPC') at Police Station Women, District Amritsar City and all other consequential proceedings arising therefrom on the basis of an amicable settlement arrived at between the parties.

The above said FIR was registered on the basis of a complaint submitted by respondent No. 2 i.e. father of respondent No. 3. Respondent No. 3 is the wife of the petitioner. The dispute arose between the parties because of matrimonial discord between the petitioner and respondent No.3.

With the intervention of respectables, elders and relatives, the matter has been amicably resolved between the parties. The petitioner and respondent No.3 have decided to part ways. The terms and conditions of the compromise were further reduced into writing on 12.04.2017.

This Court on 24.03.2017 directed the parties to appear before the 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 directed to intimate whether the petitioner is a proclaimed offender and whether any other case is pending against him.

Pursuant to order dated 24.03.2017, the parties appeared before the learned Judicial Magistrate 1st Class, Amritsar and their statements were recorded on 12.04.2017. Respondent No.2, the complainant as well as respondent No. 3, the wife of the petitioner stated that the matter has been amicably resolved between the parties. The settlement has been arrived at out of their own free will, without any pressure, threat or coercion from any quarter. Both of them stated that they have 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 20.05.2017, submitted by the learned Judicial Magistrate 1st Class, Amritsar, the settlement between the parties is opined to be genuine, arrived at between the parties out of their own free will, without any pressure or coercion. The petitioner is not a proclaimed offender and neither are any such proceedings pending against him.

Learned counsel for respondents No.2 and 3 reaffirms and verifies the factum of settlement between the parties. It is stated that respondents No. 2 and 3 have no objection, whatsoever, to the quashing of the above mentioned FIR.

Learned counsel for the State on instructions from ASI Jaswinder Singh, Police Station Women, Amritsar 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. 45 dated 16.06.2015 registered under Section 498-A of the IPC at Police Station Women, District Amritsar City alongwith all consequential proceedings arising therefrom are hereby quashed. However, liberty is afforded to the respondents to seek revival of the above said FIR as well subsequent proceedings, in case the petitioner does not abide by the terms and conditions of the compromise and specifically does not tender the rest of the amount due to respondent No. 3 at the time of

recording of their statements at second motion in the petition under Section 13-B of the Hindu Marriage Act.

(LISA GILL)
JUDGE

23.05.2017
PA

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