

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

Criminal Misc. No. M- 8675 of 2017(O&M)

Date of Decision: July 24 , 2017.

Ajay Kumar PETITIONER(s)

Versus

State of Punjab and another RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Ms. Amandeep Kansal, Advocate for
Mr. L.S.Sidhu, Advocate
for the petitioner.

Mr. Karambir Singh, AAG, Punjab.

Mr. S.S.Goraya, Advocate for
Mr. J.S.Sodhi, Advocate
for respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.68 dated 22.05.2016 under Sections 498A/406 IPC registered at Police Station Lehra, District Sangrur and all other consequential proceedings arising therefrom on the basis of compromise dated 06.02.2017 (Annexure P5) 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., the petitioner. The dispute between the parties has been amicably settled before the Mediation and

Conciliation Centre of this Court in CRM No.M-23024 of 2016. The parties have decided to part ways. They wish to live in peace and harmony and put an end to the acrimony between them.

It is informed that a petition under Section 13B of the Hindu Marriage Act, 1955 has been filed by the petitioner and respondent No.2. Statements of the parties at first motion have been recorded. The first installment of the settled amount has been received by respondent No.2. The said proceedings are now listed for 09.08.2017 for recording of the statements of the parties at second motion. The second installment of the amount settled, is to be received by respondent No.2 on the said date.

This Court on 25.04.2017 directed the parties to appear before learned Illaqa Magistrate for recording their statements in respect to the above-mentioned compromise. Learned 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 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 25.04.2017, the parties appeared before the learned Sub Divisional Judicial Magistrate, Moonak and their statements were recorded on 11.05.2017. Respondent No.2 stated that the matter has been settled by her out of her own free will, without any coercion or pressure from any side. It is further stated that she has no objection to the quashing of the abovesaid FIR qua the petitioner. Statement of the petitioner was also recorded in respect to the

settlement.

As per report dated 11.05.2017 received from the learned Sub Divisional Judicial Magistrate, Moonak it is opined that the compromise between the parties is genuine, arrived at voluntarily out of their free will without any pressure or undue influence. It is reported that the petitioner, who is the sole accused in this case is not a proclaimed offender and he is not involved or convicted in any other case. 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 the petitioner provided the terms and conditions of the settlement between the parties are strictly adhered to. It is specifically stated that the amount due towards respondent No.2 should be handed over on the date fixed i.e. 09.08.2017.

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 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 22.05.2016 under Sections 498A/406 IPC registered at Police Station Lehra, District Sangrur 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.

July 24 , 2017.
'om'

(LISA GILL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No