

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

Criminal Misc. M- No. 8768 of 2017 (O&M)

Date of decision : August 09, 2017

Sandeep Kaur and others

.....Petitioners

Versus

State of Punjab and another

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Rahul Rampal, Advocate
for the petitioners.

Mr. Karanbir Singh, AAG, Punjab.

Mr. R.S. Bajian, Advocate
for respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No. 735 dated 22.11.2016 under Sections 312, 406, 420, 120B IPC registered at Police Station Civil Lines, District Amritsar and all other consequential proceedings arising therefrom on the basis of a compromise arrived at between the parties.

Petitioner No. 1 is the daughter-in-law of respondent No. 2. Petitioner No. 6 is petitioner No.1's maternal aunt. The entire dispute has arisen primarily due to matrimonial discord between petitioner No. 1 and her husband i.e. son of respondent No. 2. 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 15.02.2017

(Annexure P-2). The parties wish to live in peace and harmony and put an end to the acrimony between them. The present petition has been filed on the basis of this compromise.

Liberty was afforded for recording of statements of petitioners No. 1 and 2 through their power of attorney – petitioner No. 4. The son of respondent No. 2 i.e. Rajwinder Singh (husband of petitioner No. 1), who is the affected person was also afforded liberty to have his statement recorded through his power of attorney holder - Harjinder Singh i.e. respondent No. 2.

This Court had directed the parties to appear before learned trial court/Illaqa Magistrate 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 coercion, fear or undue influence. Learned trial court/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 orders dated 03.04.2017 and 31.05.2017, statements of the petitioners and respondent No. 2 were recorded before the learned Chief Judicial Magistrate, Amritsar on 03.05.2017. Statement of son of respondent No. 2 through his power of attorney holder was recorded on 05.06.2017. Respondent No.2 stated that petitioner No. 1 is his daughter-in-law and Rajwinder Singh is his son. The dispute has been amicably resolved out of his free will and consent, without any kind of pressure or

coercion. Respondent No. 2 also stated that he has no objection in case the above said FIR against the petitioners is quashed. Joint statements in this respect was also recorded.

Statement on behalf of Rajwinder Singh through his power of attorney holder was recorded on 05.06.2017. It is reiterated that the settlement has been arrived at between the parties, out of their own free will, without any pressure, coercion or threat and there is no objection to the quashing of the abovesaid FIR against all the petitioners.

As per report dated 15.06.2017 received from the learned Chief Judicial Magistrate, Amritsar, it is opined that the settlement between the parties is genuine and bona fide. The settlement has been arrived at out of free will of the parties and without any pressure. None of the petitioners are reported to be the proclaimed offenders. 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 all the petitioners.

Learned counsel for the State 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”.

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. 735 dated 22.11.2016 under Sections 312, 406, 420, 120B IPC registered at Police Station Civil Lines, District Amritsar alongwith all consequential proceedings are, hereby, quashed.

August 09, 2017
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No