

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

Criminal Misc. No. M- 8784 of 2017(O&M)

Date of Decision: September 21 , 2017.

Pushpinder Singh and others PETITIONER(s)

Versus

State of Punjab and another RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Jagdeep Singh Bajwa, Advocate for
Mr. GBS Dhillon, Advocate
for the petitioners.

Mr. Karanbir Singh, AAG, Punjab.

Mr. Inderpal Singh Parmar, Advocate
for the complainant/respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.63 dated 11.06.2013 under Sections 406/498A IPC registered at Police Station Women Ludhiana, District Ludhiana 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 i.e., petitioner No.1. The matter has been amicably settled between the parties before the Mediation and Conciliation Centre at District Courts, Ludhiana, the terms of which were reduced into writing on 17.12.2016 (Annexure P2). Petitioner No.1 and

respondent No.2 decided to part ways. It is informed that petition under Section 13B of the Hindu Marriage Act, 1955 filed by them has since been allowed on 31.08.2017. Learned counsel for the petitioners submits that the entire settled amount has been handed over to respondent No.2.

This Court on 27.04.2017 directed the parties to appear before 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 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 27.04.2017, the parties appeared before the learned Judicial Magistrate First Class, Ludhiana and their statements were recorded on 17.05.2017. Respondent No.2 stated that the matter has been amicably resolved before the Mediation and Conciliation Centre at District Courts, Ludhiana. Copy of the compromise was tendered as Ex.CA. It is further stated that petition under Section 13B of the Hindu Marriage Act, 1955 has been filed by the parties. It is stated that she settled the matter with the accused petitioners out of her own free will and has no objection in case the abovesaid FIR is quashed against the accused petitioners. Joint statement of the petitioners in respect to the settlement was recorded as well.

As per report dated 20.05.2017 received from the learned Judicial Magistrate First Class, Ludhiana, it is opined that the settlement between the

parties is genuine, arrived at out of their free will without any pressure or coercion. None of the petitioners are reported to be 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 in view of the compromise arrived at between the parties, respondent No.2 has no objection to the quashing of the abovementioned FIR against all the petitioners.

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 the FIR in question as well as all consequential proceedings 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.63 dated 11.06.2013 under Sections 406/498A IPC registered at Police Station Women Ludhiana, District Ludhiana alongwith all consequential proceedings are, hereby, quashed.

September 21 , 2017.
'om'

(LISA GILL)
JUDGE

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