

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

Criminal Misc. M- No. 9252 of 2017 (O&M)

Date of decision : August 10, 2017

Kanta Devi and another

.....Petitioners

Versus

State of Punjab and another

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

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

Mr. Devinder Bir Singh, DAG, Punjab.

Mr. Ashish Bakshi, Advocate for
Mr. Ashok Bakshi, Advocate
for respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No. 48 dated 05.06.2013 under Sections 406, 498A IPC registered at Police Station Women Cell, District Jalandhar 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 behest of respondent No.2 due to matrimonial discord with her husband i.e. petitioner No.2. It is submitted that the final report under Section 173 Cr.P.C. was presented against petitioner No. 2 only. Petitioner No. 1 was subsequently summoned summoned on an application under Section 319 Cr.P.C. 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 17.02.2017 (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.

This Court on 18.04.2017 directed the parties to appear before learned trial court/Illaq Magistrate for recording their statements in respect to the above-mentioned compromise. Learned trial court/Illaq Magistrate was directed to submit a report regarding the validity or otherwise of the compromise after recording the statements of all the concerned parties.

Pursuant to order dated 18.04.2017, the parties appeared before the learned Judicial Magistrate First Class, Jalandhar and their statements were recorded on 31.05.2017. Respondent No.2 stated that the matter has been amicably resolved with both the accused petitioners. The compromise, it is stated, is genuine, effected voluntarily out of her own free consent, without any kind of pressure, force, threat, coercion and undue influence from any quarter. Respondent No.2 further stated that petition under Section 13B of Hindu Marriage Act, 1955 has been filed and she no longer wants to proceed with the present matter. She has no objection to the quashing of the abovesaid FIR qua the petitioners. Statements of the petitioners in respect to the compromise were also recorded.

As per report dated 14.06.2017 received from the learned Judicial Magistrate First Class, Jalandhar, it is opined that the compromise is genuine, arrived at voluntary, without any pressure or coercion. 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 affirms 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 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. 48 dated 05.06.2013 under Sections 406, 498A IPC registered at Police Station Women Cell, District Jalandhar 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.

August 10, 2017
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No