

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

Criminal Misc. No. M- 9305 of 2017(O&M)

Date of Decision: November 20 , 2017.

Palwinder Singh and others PETITIONER(s)

Versus

State of Punjab and another RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Paras Talwar, Advocate for
Mr. V.S.Virk, Advocate
for the petitioners.

Mr. Rana Harjasdeep Singh, AAG, Punjab.

Mr. Deepanshu Mehta, Advocate
for respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.197 dated 20.11.2012, under Sections 406/498A IPC registered at Police Station Mataur, District SAS Nagar, Mohali 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. With the intervention of respectables and relatives, a compromise was arrived at between the parties, the terms of which were reduced into writing on 08.02.2017 (Annexure P2). The parties decided to part ways.

It is informed that petition under Section 13B of the Hindu Marriage Act, 1955 filed by petitioner No.1 and respondent No.2 has since been allowed.

The entire settled amount has been received by respondent No.2, who has no objection to the quashing of the FIR against all the petitioners.

This Court on 28.03.2017 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 through the District and Sessions Judge regarding the genuineness and validity or otherwise of the compromise after recording statements of all the concerned parties. Learned trial court was also directed to intimate the total number of accused facing trial and status/stage of the trial/case.

Pursuant to order dated 28.03.2017, the parties appeared before the learned Judicial Magistrate First Class, Mohali. Joint statement of the petitioners in respect to the settlement was recorded on 10.04.2017 and of the complainant on 10.08.2017. Respondent No.2 stated that she has amicably resolved the matter with all the accused petitioners, out of her own free will, without any undue influence or coercion. It is further stated that she has no objection in case the abovesaid FIR against the accused petitioners is quashed.

As per report dated 17.08.2017 received from the learned Judicial Magistrate First Class, Mohali, it is opined that the settlement between the parties is genuine and voluntary, arrived at out of their free will without any fear, force or pressure. 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 submitted that respondent No.2 has received the entire settled amount and nothing remains due towards the petitioners. 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 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.197 dated 20.11.2012, under Sections 406/498A IPC registered at Police Station Mataur, District SAS Nagar, Mohali alongwith all consequential proceedings are, hereby, quashed.

November 20, 2017.
'om'

(**LISA GILL**)
JUDGE

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