

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

Criminal Misc. M- No. 9308 of 2017 (O&M)

Date of decision : July 18, 2017

Neeraj Kapur

.....Petitioner

Versus

State of Punjab and another

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Ankur Bansal, Advocate
for the petitioner.

Mr. Karambir Singh, AAG, Punjab.

Mr. Manish Verma, Advocate
for respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No. 30 dated 18.05.2015 under Section 498A of the Indian Penal Code ('IPC' – for short) Section 406 IPC added later, 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. the petitioner. 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 16.02.2017 (Annexure P-2). The parties wish to live in peace and harmony and put an end to the acrimony between them. It is submitted that

the petitioner and respondent No. 2 are now living together in their matrimonial home. The present petition has been filed on the basis of this compromise.

This Court on 24.04.2017 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 petitioner is absconding/proclaimed offender and whether any other case is pending against him. Information was sought as to whether all affected persons are a party to the settlement.

Pursuant to order dated 24.04.2017, the parties appeared before the learned Judicial Magistrate First Class, Jalandhar and their statements were recorded on 24.05.2017. Respondent No.2 stated that she has amicably resolved the matter with the accused petitioner. The settlement between them has been arrived at out of her own free consent and without any kind of pressure, force, threat, coercion and undue influence. It is further stated that she has no grudge against the accused petitioner and has no objection to the quashing of the FIR against the petitioner. Statement of the petitioner regarding the settlement was also recorded.

As per report dated 31.05.2017 received from the learned Judicial Magistrate First Class, Jalandhar it is opined that the settlement arrived at between the parties is genuine, voluntary and without any pressure, coercion or undue influence. It is further mentioned that the petitioner is not a proclaimed offender. 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.

Learned counsel for the State, on instructions from HC Neela Ram, 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. 30 dated 18.05.2015 under Section 498A IPC, Section 406 IPC added later, 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.

July 18, 2017
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No