

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

**CRM No. M-9493 of 2017**

**Date of decision: 26.04.2017**

**Chetanpal Singh Thind and others**

**..... Petitioners.**

**Versus**

**State of Punjab and another**

**..... Respondents.**

**CORAM: HON'BLE MRS. JUSTICE LISA GILL**

Present: Mr. Sherry K. Singla, Advocate, for the petitioners.

Mr. K.D. Sachdeva, Addl.A.G., Punjab.

Mr. Abhivadya Sood, Advocate, for respondent No.2.

**LISA GILL, J.**

This petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of FIR No. 35 dated 30.05.2015 (**Annexure P-1**) registered under Sections 498-A and 506 of the Indian Penal Code (for short 'IPC') at Police Station Women, District Patiala and all other consequential proceedings arising therefrom on the basis of an amicable settlement (**Annexure P-2**) arrived at between the parties before the Mediation and Conciliation Centre of this Court.

The above said FIR was registered at the behest of respondent No. 2-Smt. Sonam. The dispute arose between the parties because of matrimonial discord between petitioner No.1 and respondent No.2.

The matter has been amicably resolved between the parties before the Mediation and Conciliation of this Court on 23.02.2017. Petitioner No.1 and respondent No.2 have decided to part ways. The terms and conditions of the compromise were reduced into writing on 04.07.2016.

The compromise is on record of this petition as Annexure P-2.

This Court on 21.03.2017 directed the parties to appear before the learned trial Court on 28.03.2017 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 threat, coercion or undue pressure. Learned trial court was directed to intimate whether the petitioners are proclaimed offenders and whether any other case is pending against them.

Pursuant to order dated 21.03.2017, the parties appeared before the learned Judicial Magistrate 1<sup>st</sup> Class, Patiala and their statements were recorded on 05.04.2017. Respondent No.2-Smt. Sonam stated that the matter has been amicably resolved between the parties. Petitioner No. 1 had agreed to withdraw FAO No. M-255 of 2016 pending before this Court. She accepted that a demand draft dated 03.04.2017 for an amount of ₹ 15,000/- was received by her on 05.04.2017. Respondent No. 2 further stated that she would withdraw the petition under Section 9 of the Hindu Marriage Act as well as application under Section 125 Cr.P.C. It is stated that the settlement has been arrived at voluntarily, out of her own free will, without any kind of pressure, threat or coercion. Respondent No. 2 further stated that she has no objection in case the FIR against all the accused is quashed. Joint statement of all the three petitioners in respect to the settlement was recorded.

As per report dated 24.04.2017, submitted by the learned Judicial Magistrate 1<sup>st</sup> Class, Patiala, it is opined that the settlement arrived at between the parties is genuine, arrived at out of the free will of the parties, without any threat or pressure. The petitioners are the three accused in this case and none of

them are proclaimed offenders and neither are any such proceedings pending against them.

Learned counsel for the complainant/respondent No.2 reaffirms and verifies the factum of settlement between the parties. It is stated that respondent No. 2 has no objection, whatsoever, to the quashing of the above mentioned FIR qua all the three petitioners.

Learned counsel for the State on instructions from ASI Gurdev Singh, Police Station Women, Patiala submits that the present being a matrimonial dispute, the State has no objection to the quashing of this FIR on the basis of a settlement 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.

In view of the above, 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 only lead to wastage of precious time of the court and would be an exercise in futility.

This petition is, thus, allowed and FIR No. 35 dated 30.05.2015 registered under Sections 498-A and 506 of the IPC at Police Station Women,

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District Patiala alongwith all consequential proceedings arising therefrom are hereby quashed.

(LISA GILL)  
JUDGE

26.04.2017

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*Whether speaking/reasoned* : *Yes/No.*

*Whether reportable* : *Yes/No.*