

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

Criminal Misc. No. M- 9747 of 2017(O&M)

Date of Decision: July 28 , 2017.

Narinder Singh and another PETITIONER(s)

Versus

U.T. Chandigarh and another RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. N.S.Kandhola, Advocate
for the petitioners.

Mr. Anil Kumar Lamdharia, APP, U.T.

None respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.214 dated 01.09.2014 under Sections 406/498A IPC registered at Police Station Sector 26, Chandigarh and all other consequential proceedings arising therefrom on the basis of compromise dated 04.03.2017 (Annexure P2) 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.1. 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 04.03.2017.

The parties wish to live in peace and harmony and put an end to the acrimony

between them.

It is submitted that a petition under Section 13B of the Hindu Marriage Act, 1955 for divorce by mutual consent has been filed by respondent No.2 and petitioner No.1 and the matter is pending for recording statements of the parties at second motion.

This Court on 26.05.2017 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 26.05.2017, the parties appeared before the learned Additional Chief Judicial Magistrate, Chandigarh and their statements were recorded on 03.07.2017. Respondent No.2 stated that the matter has been amicably resolved between the parties, without any pressure, coercion or undue influence. It is further stated that she has no objection to the quashing of the abovesaid FIR qua the petitioners. Joint statement of the petitioners in respect to the settlement was recorded as well.

As per report dated 26.07.2017 received from the learned Addl. Chief Judicial Magistrate, Chandigarh it is opined that the compromise between the parties is genuine, arrived at amicably without any threat, coercion or undue influence from any side. None of the petitioners is reported to be proclaimed

offenders. Statements of the parties are appended alongwith the said report.

Mr. Tejwinder Singh Gill, Advocate had appeared on behalf respondent No.2 before this Court on 26.05.2017. He had affirmed and verified the factum of settlement between the parties.

Learned counsel for Union Territory, Chandigarh 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.214 dated 01.09.2014 under Sections 406/498A IPC registered at Police Station Sector 26, Chandigarh 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 28 , 2017.
'om'

(LISA GILL)
JUDGE

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