

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

Criminal Misc. No. M- 9975 of 2017(O&M)

Date of Decision: September 21 , 2017.

Bhupinder Singh PETITIONER(s)

Versus

State of Punjab and another RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Prateek Sodhi, Advocate
for the petitioner.

Mr. Karanbir Singh, AAG, Punjab.

Mr. Umesh Aggarwal, Advocate
for the complainant/respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.0014 dated 29.02.2016 under Section 498A IPC registered at Police Station Women, District Amritsar City 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., the petitioner. With the intervention of respectables and relatives, a compromise was arrived at between the parties, the terms of which were reduced into writing on 14.02.2017 (Annexure P3). The petitioner and respondent No.2 decided to part ways. It is

informed that petition under Section 13B of the Hindu Marriage Act, 1955 preferred by them was allowed yesterday i.e., on 20.09.2017. The entire settled amount has been handed over to respondent No.2.

This Court on 24.04.2017 directed the parties to appear before learned Illaqa Magistrate for recording their statements in respect to the above-mentioned compromise. Liberty was afforded to the petitioner to record his statement through his power of attorney holder i.e., his mother Smt. Sawinder Kaur. Learned Illaqa Magistrate 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 Illaqa Magistrate was also directed to intimate whether 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 Chief Judicial Magistrate, Amritsar and their statements were recorded on 01.06.2017. Respondent No.2 stated that she has compromised the matter with the accused petitioner out of her own free will and consent, without any kind of pressure, coercion or threat. It is further stated that she has no objection in case the abovesaid FIR is quashed against the accused petitioner. Statement of the petitioner through his power of attorney holder and mother Smt. Sawinder Kaur in respect to the settlement was recorded as well.

As per report dated 15.06.2017 received from the learned Chief Judicial Magistrate, Amritsar, it is opined that the compromise between the parties is bona fide and genuine, arrived at out of free will of the parties without

any pressure or coercion. The petitioner, who is the sole accused, is not reported to be 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 in view of the compromise arrived between the parties, respondent No.2 has no objection to the quashing of the abovementioned FIR against the petitioner.

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.0014 dated 29.02.2016 under Section 498A IPC registered at Police Station Women, District Amritsar City alongwith all consequential proceedings are, hereby, quashed.

September 21 , 2017.
'om'

(LISA GILL)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No