

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

Criminal Misc. No. M- 10765 of 2017(O&M)

Date of Decision: January 18 , 2018.

Prince Rangre and others

..... PETITIONER(s)

Versus

State of Punjab and another

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Gopal Singh Nahel, Advocate
for the petitioners.

Ms. Monika Jalota, DAG, Punjab.

None for respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of Criminal Complaint No.19 dated 04.12.2014, under Sections 495/494/493/419/420/376/506/120B IPC titled as 'Raman Sharma @ Upasna v. Prince Rangra and others', and all other consequential proceedings arising therefrom on the basis of a compromise arrived at between the parties.

The abovesaid complaint was filed by 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 27.02.2017 (Annexure P3).

Petitioner No.1 and respondent No.2 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 been allowed on 11.12.2017 by the learned Additional District Judge, Sangrur. Photocopy of the said judgment and decree, filed in Court today, is taken on record subject to just exceptions. It is further informed that FIR No.135 dated 06.12.2014 under Sections 498A/494/420/120B IPC, Police Station Longowal has already been quashed by this Court on 23.10.2017 in CRM No.M-10722 of 2017.

This Court on 28.04.2017 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 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 28.04.2017, the parties appeared before the learned Sessions Judge, Sangrur and their statements were recorded on 10.05.2017. Respondent No.2 stated that the matter has been amicably resolved by her with all the accused petitioners out of her own free will without any pressure. It is stated that petition under Section 13B of the Hindu Marriage Act, 1955 has been filed. Half of the settled amount i.e., ₹9,50,000/- has been received by her at that time and she would get the remaining amount i.e., ₹9,50,000/- at the time of recording of statements at second motion in the abovesaid proceedings. Statements of the petitioners in respect to the settlement

were recorded as well.

As per report dated 15.05.2017 received from the learned District & Sessions Judge, Sangrur, satisfaction is expressed that the compromise between the parties is voluntary, arrived at between them without any pressure or coercion. FIR No.174 dated 22.11.2014 under Sections 498A/494/406 IPC is mentioned to have been registered against petitioners No.1 to 3 at Police Station City Hoshiarpur as per report of MHC, Police Station Longowal. None of the petitioners are reported to be proclaimed offenders. Statements of the parties are appended alongwith the said report.

Mr. Beant Singh Seemar, Advocate for Mr. Mandeep Kumar Dhot, Advocate had appeared on behalf of respondent No.2 before this Court on 28.04.2017. He had affirmed and verified the factum of settlement between the parties pursuant to which, parties were directed to record their statements.

Learned counsel for the State, on instructions from HC Amrik Singh, submits that as the abovesaid proceedings arise out of a matrimonial dispute, the State has no objection to the quashing of the criminal complaint 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 criminal proceedings pending before the learned trial court 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 criminal complaint No.19 dated 04.12.2014, under Sections 495/494/493/419/420/376/506/120B IPC titled as 'Raman Sharma @ Upasna v. Prince Rangra and others', 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 abovesaid criminal complaint, in case any of the facts mentioned as above are not as per the record or the terms and conditions of settlement between the parties are not adhered to by the petitioners or it is found that the settlement was a mere ruse to have the aforesaid proceedings quashed.

January 18 , 2018.
'om'

(LISA GILL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No