

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

CRM-M-12112 of 2018(O&M)

Date of Decision:01.06.2018

Vijay Sharma and others

..... Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr.G.S.Bawa, Advocate
the petitioners.

Ms. Ruchika Sabharwal, AAG., Punjab.

Mr. Paras Talwar, Advocate
for respondent no.2.

LISA GILL, J(Oral).

Prayer in this petition is for quashing of Criminal Complaint No. 763 dated 17.11.2014, under Sections 498-A, 406, 506 IPC as well as summoning order dated 13.07.2016, along with all other consequential proceedings arising therefrom on the basis of a compromise deed dated 05.04.2017 (Annexure P-2) arrived at between the parties.

Learned counsel for the petitioners and respondent no.2 submit that petitioner no1 and respondent no.2 have resumed cohabitation. They are living together in the matrimonial home in peace and harmony. Respondent no.2 no longer wishes to carry on with the proceedings against the petitioners in view of the settlement arrived at between the parties. It is thus prayed that this petition be allowed.

This Court on 22.03.2018 directed the parties to appear before the learned trial court for recording of 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 the petitioners are absconding/proclaimed offender 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 22.03.2018, the parties appeared before the learned Judicial Magistrate Ist Class, Amritsar, on 16.04.2018 Respondent No.2 stated that she has compromised the matter with all the petitioners with the intervention of respectables and out of her own free will and without any pressure. She further stated that she has no objection to the quashing of the aforementioned complaint against all the accused-petitioners. Separate statements of all the petitioners in respect to the settlement were recorded.

As per report dated 18.04.2018, received from the learned Judicial Magistrate Ist Class, Amritsar, satisfaction is expressed that the compromise between the parties is genuine, voluntarily arrived at out of the free will of the parties, without any pressure or coercion with a desire to live in piece and harmony.

Learned counsel for respondent No.2 affirms and verifies the factum of settlement between the parties. It is reiterated that respondent No.2 has no objection to the quashing of the above-mentioned complaint against all the petitioners.

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 above-said complaint 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. 763 dated 17.11.2014, under Sections 498-A, 406, 506 IPC as well as summoning order dated 13.07.2016, along with 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 complaint, 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 complaint quashed.

01.06.2018
s.khan

[LISA GILL]
Judge

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