

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

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**Criminal Misc. No. M-1287-2018 (O&M)
Date of Decision: June 01, 2018.**

Gurvinder Singh

..... PETITIONER

Versus

State of Punjab and anr.

..... RESPONDENTS

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Sarvesh Kumr Gupta, Advocate,for the petitioner.

Mr. D.S. Sukarchakia, DAG, Punjab.

Mr. Sandeep Saini, Advocate for
Mr. Ram Bilas Gupta, Advocate,
for respondent No. 2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.46 dated 16.06.2015 under Sections 417, 420, 498A, 495 IPC registered at Police Station Women, District Amritsar, 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 i.e. father-in-law of the petitioner due to matrimonial discord between his daughter and the petitioner.

Learned counsel for the petitioner and respondent No. 2 submit that the matter has been amicably resolved between the parties and petition under Section 13-B of the Hindu Marriage Act, 1955 filed by the petitioner and his wife

has since been allowed on 02.05.2016. Respondent No. 2 as well as his daughter, it is submitted do not wish to pursue the matter any longer against the petitioner and have no objection to the quashing of the aforementioned FIR against him. It is thus, prayed that this petition be allowed.

This Court on 15.01.2018 directed the parties to appear before learned trial court/Illaqa Magistrate for recording their statements in respect to the above-mentioned compromise. Learned trial court/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 trial court/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 15.01.2018, the petitioner and respondent No. 2 appeared before the learned Judicial Magistrate First Class, Amritsar and their statements were recorded on 18.01.2018. Respondent No.2 stated that the matter has been amicably resolved with the petitioner, out of his own free will without any undue influence, pressure or coercion. Respondent No. 2 further stated that he has no objection in case the abovesaid FIR against the accused/petitioner is quashed. Statement of the petitioner in respect to the settlement was recorded as well. Statement of the petitioner's wife i.e. daughter of the complainant was recorded on 07.05.2018. She also stated that the compromise between the parties is genuine, arrived at out of her own free will without any undue influence or pressure and she has no objection to the quashing

of the FIR against the petitioner.

As per report dated 19.01.2018 and 10.05.2018 received from the learned Judicial Magistrate First Class, Amritsar, satisfaction is expressed that the compromise between the parties is genuine and arrived out of their own free will without any pressure, threat or coercion. Statements of the parties are appended alongwith the said report. Petitioner is not reported to be a proclaimed offender.

Learned counsel for respondent No.2 reaffirms and verifies the factum of settlement between the parties. It is reiterated that respondent No.2 and his daughter have no objection in case the abovementioned FIR is quashed.

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.46 dated 16.06.2015 under Sections 417, 420, 498A, 495 IPC registered at Police Station Women, District Amritsar, alongwith all consequential proceedings are, hereby, quashed.

June 01, 2018
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(LISA GILL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No