

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

Criminal Misc. No. M- 12232 of 2017(O&M)

Date of Decision: January 09 , 2018.

Avtar Singh and others PETITIONER(s)

Versus

State of Punjab and another RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Gulzar Mohd., Advocate
for the petitioners.

Ms. Seena Mand, DAG, Punjab.

Mr. Ankur Bansal, Advocate
for the complainant/respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.71 dated 10.05.2014, under Sections 406/498A IPC, Police Station Adampur, Tehsil and District Jalandhar 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., 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 31.01.2017 (Annexure P2). It is informed that ex parte divorce was granted in favour of

respondent No.2 on 18.03.2016 and petitioner No.1 agreed to accept the same. Petitioner No.1 has since withdrawn his application challenging the ex parte divorce. Sum of ₹2.10 lakhs has since been handed over to respondent No.2 through her authorized power of attorney holder, Smt. Karamjit Kaur, who is mother of respondent No.2. CRM No.M-11049 of 2017 was filed separately by petitioner No.1 challenging order dated 13.04.2015 declaring him to be a proclaimed offender on the ground of it being passed in contravention of the provisions of law. Petitioner No.1 was stated to be in Australia at the relevant time.

This Court on 30.05.2017 directed the parties to appear before learned trial court/Illaq Magistrate for recording their statements in respect to the above-mentioned compromise. While noting that petitioner No.1 is a proclaimed offender, it was directed that in case he appears before the court on the stipulated date, he be admitted to interim bail.

Pursuant to order dated 30.05.2017, the parties appeared before the learned Judicial Magistrate First Class, Jalandhar and their statements were recorded on 21.08.2017. Statement of respondent No.2 through her mother and authorized power of attorney holder Karamjit Kaur was recorded. It is stated that the matter has been amicably resolved with all the accused petitioners out of the free will of the parties, without any coercion or pressure from any quarter. It is stated that a sum of ₹2,10,000/- as full and final settlement of all claims of respondent No.2 was received by Karamjit Kaur on behalf of respondent No.2. Statement of all the accused petitioners in respect to the settlement were recorded as well.

As per report dated 25.09.2017 received from the learned Judicial Magistrate First Class, Jalandhar, satisfaction is expressed that the settlement between the parties is genuine and voluntary, arrived at without any threat, pressure or undue influence from any quarter. 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 and receipt of the entire settled amount by respondent No.2. It is reiterated that respondent No.2 has no objection to the quashing of the abovementioned FIR against all the petitioners.

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.71 dated 10.05.2014, under Sections 406/498A IPC, Police Station Adampur, Tehsil and District Jalandhar alongwith all consequential proceedings are, hereby, quashed.

January 09 , 2018.
'om'

(LISA GILL)
JUDGE

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