

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

Criminal Misc. No. M- 12856 of 2017(O&M)

Date of Decision: January 19 , 2018.

Hari Dev and another

..... PETITIONER(s)

Versus

State of Punjab and another

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Sukhdeep Singh Sidhu, Advocate
for the petitioners.

Ms. Monika Jalota, DAG, Punjab.

None respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.9 dated 24.05.2012 under Section 498A IPC, registered at Police Station Women Cell, Bathinda 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. 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 them has been allowed on 01.07.2017. Copy of the judgment and decree

dated 01.07.2017 is attached as Annexure A1 with this petition. It is submitted that the entire settled amount has been received by respondent No.2, which is so reflected in her statement recorded at second motion in the abovesaid proceedings.

This Court on 03.10.2017 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 03.10.2017, the parties appeared before the learned Judicial Magistrate First Class, Bathinda and their statements were recorded on 16.11.2017. Respondent No.2 stated that the matter has been amicably resolved with the intervention of relatives and friends out of her own free will without any kind of pressure. It is stated that ₹5,00,000/- was received by her as full and final settlement of all her claims and petition under Section 13B of the Hindu Marriage Act, 1955 filed by her and petitioner No.1 has been allowed on 01.07.2017. Respondent No.2 stated that she has no objection in case the abovesaid FIR against the accused petitioners is quashed. Statements of the petitioners in respect to the settlement were recorded as well.

As per report dated 16.11.2017 received from the learned Judicial Magistrate First Class, Bathinda, it is opined that the compromise between the

parties is genuine and voluntary, arrived at out of the free will of the parties without any coercion or undue influence. None of the petitioners are reported to be proclaimed offenders. Statements of the parties are appended alongwith the said report.

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. 9 dated 24.05.2012 under Section 498A IPC, registered at Police Station Women Cell, Bathinda 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 above said FIR, in case any of the facts 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 FIR quashed.

January 19 , 2018.
'om'

(LISA GILL)
JUDGE

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