

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

Criminal Misc. No.M- 12910 of 2017 (O&M)

Date of decision : February 22, 2018

Princepal Singh

.....Petitioner

Versus

State of Punjab and others

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Munish Jhanji, Advocate for
Mr. Gitish Bhardwaj, Advocate
for the petitioner.

Mr. Sukhleen Singh, AAG, Punjab

Mr. P.S. Bhangu, Advocate
for respondents No.2 and 3.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No. 79 dated 13.06.2015 under Section 498A IPC registered at Police Station Kharar and all other consequential proceedings arising therefrom on the basis of a compromise arrived at between the parties before the Mediation and Conciliation Centre, Fatehgarh Sahib.

The abovesaid FIR was registered at the instance of respondent No.3 i.e. father of respondent No. 2. The matter was finally resolved.

It is informed that petition under Section 13B of Hindu Marriage Act, 1955 filed by petitioner No. 1 and respondent No. 2 has since been allowed. Respondent No. 2 has received the entire settled amount due towards her.

This Court on 12.07.2017 and 17.11.2017 directed the parties to appear before learned trial court/Illaq 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 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 orders dated 12.07.2017 and 17.11.2017, the parties appeared before the learned Sub Divisional Judicial Magistrate, Kharar, and their statements were recorded on 18.12.2017. A joint statement of respondents No. 2 and 3 was recorded to the effect that the matter has been compromised by them with the petitioner out of their own free will, without any coercion, inducement, threat or pressure. Respondents No.2 and 3 stated that they have no objection to the quashing of the abovesaid FIR qua the petitioners. Statement of the petitioner in respect to the compromise was also recorded.

As per report dated 02.01.2018 received from the learned Sub Divisional Judicial Magistrate, Kharar satisfaction is expressed that the compromise between the parties is genuine, arrived at out of free will of the parties, without any threat, coercion or undue influence. None of the petitioners is reported to be a proclaimed offender. Statements of the parties are appended alongwith the said report.

Learned counsel for respondents No.2 and 3 reaffirms and verifies the factum of settlement between the parties. It is reiterated that respondents No.2 and 3 have no objection to the quashing of the

abovementioned FIR against the petitioner.

Learned counsel for the State, on instructions from HC Bhupinder Singh, submits that as the abovesaid FIR arises out of a matrimonial dispute, the State has no objection to the quashing of this FIR 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. 79 dated 13.06.2015 under Section 498A IPC registered at Police Station Kharar alongwith all consequential proceedings are, hereby, quashed.

February 22, 2018
rts

(Lisa Gill)
Judge

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