

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

Criminal Misc. No. M- 13288 of 2017(O&M)

Date of Decision: January 18 , 2018.

Dhanna Ram and another

..... PETITIONER(s)

Versus

State of Punjab and another

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Gourav Goel, Advocate
for the petitioners.

Ms. Monika Jalota, DAG, Punjab.

Mr. Puneet Singla, Advocate
for the complainant/respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.04 dated 05.01.2017 under Sections 323/498A/506/34 IPC, registered at Police Station Division No.2, Ludhiana 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. Respondent No.2, it is submitted, has no objection to the quashing of the aforementioned FIR (Annexure P2). It is stated that petitioner No.1 and

respondent No.2 have resumed matrimonial ties and are living together in peace and harmony.

This Court on 08.08.2017 directed the parties to appear before learned Illaqa Magistrate for recording their statements in respect to the above-mentioned compromise. Learned 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 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 order dated 08.08.2017, the parties appeared before the learned Judicial Magistrate First Class, Ludhiana and their statements were recorded on 05.09.2017. Respondent No.2 stated that the matter has been amicably resolved between the parties pursuant to which she is living with her husband, petitioner No.1 and she does not wish to pursue the proceedings arising out of the aforementioned FIR. Respondent No.2 stated that she has no objection in case the abovesaid FIR against the accused petitioners is quashed. Joint statement of the petitioners in respect to the settlement was recorded as well.

Report dated 19.09.2017 has been received from the learned Judicial Magistrate First Class, Ludhiana. After noting the contents of the statements of the parties, it is observed that a settlement between the parties has been arrived at. Petitioner No.1 and respondent No.2 are noted to be living together. None of the petitioners are reported to be proclaimed offenders. Statements of the parties are appended alongwith the said report.

Respondent No.2, duly identified by her counsel, is present in Court. She reaffirms and verifies the factum of settlement between the parties and reiterates that she has no objection to the quashing of the abovementioned FIR against the petitioners.

Learned counsel for the State, on instructions from ASI Sunil Kumar, 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.04 dated 05.01.2017 under Sections 323/498A/506/34 IPC, registered at Police Station Division No.2,

Ludhiana 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 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 18 , 2018.
'om'

(LISA GILL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No