

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

Criminal Misc. No. M- 13466 of 2017(O&M)

Date of Decision: March 20 , 2018.

Gurminder Singh and another

..... PETITIONER(s)

Versus

State of Punjab and another

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Rajnikant Upadhayay, Advocate for
Mr. Abhimanyu Kalsy, Advocate
for the petitioners.

Mr. Sukhbir Singh, AAG, Punjab.

Mr. Hitesh Ghai, Advocate
for respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.56 dated 06.08.2013, under Sections 406/498A IPC, registered at Police Station Malaudh, Police District Khanna, District 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, the terms of which were reduced into writing on 27.03.2017

(Annexure P2). Petitioner No.1 and his wife, respondent No.2 decided to part ways.

It is informed by learned counsel for the petitioners and respondent No.2 that the petition under Section 13B of the Hindu Marriage Act, 1955 filed by petitioner No.1 and respondent No.2 has since been allowed on 03.10.2017.

This Court on 16.11.2017 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/Illaq 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/Illaq 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 16.11.2017, the parties appeared before the learned Judicial Magistrate First Class, Payal and their statements were recorded on 28.11.2017. Respondent No.2 stated that she has compromised the matter with both the accused petitioners on 27.03.2017 out of her own free will without any pressure, fear or coercion. It is further mentioned that decree of divorce under Section 13B of the Hindu Marriage Act, 1955 was granted on 03.10.2017 and respondent No.2 received all her dowry articles as well as the settled amount of ₹10,00,000/- from petitioner No.1. In this view of the matter, respondent No.2 stated that she has no objection in case the abovesaid FIR against both the

accused petitioners is quashed. Joint statement of the petitioners in respect to the settlement was recorded as well.

As per report dated 17.03.2018 received from the learned Judicial Magistrate First Class, Payal, satisfaction is expressed that the compromise between the parties is voluntary and genuine, arrived at without any pressure or coercion. None of the petitioners are reported to be proclaimed offenders. 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. It is reiterated that respondent No.2 has received the entire settled amount and she has no objection to the quashing of the abovementioned FIR against 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.56 dated 06.08.2013, under Sections 406/498A IPC, registered at Police Station Malaudh, Police District Khanna, District Ludhiana alongwith all consequential proceedings are, hereby, quashed.

March 20 , 2018.
'om'

(LISA GILL)
JUDGE

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