

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

**Crl. Misc. No. M-13583 of 2017
Date of Decision : March 08, 2018**

Vishal Dhir and othersPetitioners

Versus

State of Punjab and another Respondents

CORAM : HON'BLE MRS. JUSTICE LISA GILL

...

Present: Mr. Rishu Mahajan, Advocate
for the petitioners.

Mr. Anmol Singh Sandhu, AAG, Punjab.

Mr. Umesh Aggarwal, Advocate
for respondent No.2.

...

LISA GILL, J. (Oral)

Prayer in this petition is for quashing of FIR No.151 dated 02.09.2009 under Sections 406, 498-A, 506, 120-B IPC registered at Police Station "C" Division, Amritsar, along with all other consequential proceedings arising therefrom on the basis of compromise dated 30.08.2016 (Annexure P2) arrived at between the parties.

The above-said FIR was registered at the instance of respondent No.2 due to matrimonial discord with her husband i.e. petitioner No.1. The matter was amicably resolved. The terms and conditions of settlement were reduced into writing on 30.08.2016 (Annexure P-2).

It is informed that petition under Section 13-B of the Hindu Marriage Act, 1955 filed by petitioner No.1 and respondent No.2 has since been allowed. This fact is duly mentioned in the compromise dated

30.08.2016 (Annexure P2).

Pursuant to order dated 25.09.2017, the parties appeared before the learned Judicial Magistrate First Class, Amritsar, and their statements were recorded on 30.10.2017. Respondent No.2 stated that she has compromised the matter with all the accused-petitioners out of her own free will, without any undue influence, pressure or coercion. It is further stated that she has no objection to the quashing of the above-said FIR against all the petitioners. Joint statement of all the petitioners in respect to the compromise was also recorded.

As per report dated 17.11.2017 received from the learned Judicial Magistrate First Class, Amritsar, satisfaction is expressed that the settlement between the parties is genuine, voluntarily arrived at without any coercion or undue influence. None of the petitioners is reported to be a proclaimed offender. Statements of the parties are appended along with the said report.

Learned counsel for respondent No.2 reaffirms and verifies the factum of settlement between the parties. It is also affirmed that petition under Section 13-B of the Hindu Marriage Act, 1955 has been allowed. It is reiterated that respondent No.2 has no objection to the quashing of the above-mentioned FIR against the petitioners.

Learned counsel for the State has not raised any serious objection to the quashing of the aforesaid 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 above-said 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.151 dtd 02.09.2009 under Sections 406, 498-A, 506, 120-B IPC registered at Police Station “C” Division, Amritsar, along with all consequential proceedings are, hereby, quashed.

08.03.2018
rupi

(LISA GILL)
JUDGE

Note: Whether speaking/reasoned
Whether Reportable:

Yes / No
Yes / No