

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

Criminal Misc. No.M- 13724 of 2017 (O&M)

Date of decision : April 05, 2018

Jagminder Singh and others

.....Petitioners

Versus

State of Punjab and another

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Kulvir Narwal, Advocate and
Ms. Simranjeet Kaur, Advocate
for the petitioners.

Ms. Seena Mand, DAG, Punjab.

Mr. Parteek Pandit, Advocate
for respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No. 5 dated 22.02.2017 under Sections 498A, 354A, 120B IPC registered at Police Station NRI Jalandhar (Rural) and all other consequential proceedings arising therefrom on merits. However, during the pendency of this petition, the matter was amicably resolved 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. It is informed that petitioner No. 1 and respondent No. 2 have decided to accept the decree of divorce granted on 07.06.2017 in Australia. The entire settled amount has been handed over by the petitioners to respondent No. 2.

This Court on 12.02.2018 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/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 12.02.2018, the parties appeared before the learned Judicial Magistrate First Class, NRI cases, Jalandhar and their statements were recorded on 28.02.2018. It is informed that the complainant – respondent No. 2 is in Australia. Her statement was recorded through her power of attorney holder and father - Jarnail Singh. Statements of petitioners No. 1 and 2 were recorded through their authorised power of attorney holder i.e. petitioner No. 3 on 28.02.2018. Petitioner No. 1 is the husband of respondent No. 2. Jarnail Singh – father and power of attorney holder of respondent No. 2 specifically stated that he received a demand draft dated 27.02.2018 for a sum of ₹12 lakhs as well as cheque dated 28.02.2018 for a sum of ₹48,000/- in favour of respondent No. 2. The said amount was received in lieu of all claims of respondent No. 2 – past, present and future qua alimony, maintenance etc. Nothing remains due towards her. It is specifically stated that respondent No. 2 has no objection, in case, the abovesaid FIR qua the petitioners is quashed. Statements of petitioners No. 1 and 2 were recorded through their power of attorney – Sh. Palminder Singh – petitioner No. 3. Statement of petitioner No. 3 in respect to the compromise was also recorded.

As per report dated 05.03.2018 received from the learned Judicial Magistrate First Class, Jalandhar satisfaction is expressed that the

compromise between the parties is genuine, without any pressure, coercion and arrived at out of free will of the parties, as they desire to live in peace. None of the petitioners is reported to be a proclaimed offender. 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. Learned counsel for respondent No. 2 submits that respondent No. 2 undertakes to abide by all the acts and statements made on her behalf by her authorised power of attorney holder – Jarnail Singh Singh, her father. It is reiterated that respondent No.2 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 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. 5 dated 22.02.2017 under Sections 498A, 354A, 120B IPC registered at Police Station NRI Jalandhar (Rural) alongwith all consequential proceedings are, hereby, quashed.

April 05, 2018
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No