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

CRM-M No.14653 of 2017

Date of Decision: January 17, 2018

Gurpreet Singh

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Kiran Kumar, Advocate
for the petitioner.

Ms. Monika Jalota, DAG, Punjab
for respondent No.1-State.

LISA GILL J. (ORAL)

Prayer in this petition is for quashing of FIR No.90 dated 17.08.2014 under Sections 406, 498-A IPC registered at Police Station Women Police Station, District Ludhiana along with all subsequent proceedings arising therefrom on the basis of compromise dated 13.06.2016 (Annexure P-2) arrived at between the parties.

It is submitted that the afore-mentioned FIR was registered at the instance of respondent No.2 due to matrimonial discord with her husband i.e., the petitioner. However, with the intervention of respectables, the matter has been amicably resolved. The terms and conditions of settlement were reduced into writing (Annexure P-2). Petition under Section 13(B) of the Hindu Marriage Act filed by the petitioner and respondent No.2 has since been allowed on 04.10.2017. The

entire settled amount has been received by respondent No.2.

Respondent No.2 duly identified by HC Sukhdev Singh appeared before this Court on 10.07.2017. Photocopy of her Aadhar Card was taken on record. Respondent No.2 stated that she has amicably resolved the dispute with the accused-petitioner. Petition under Section 13 (B) of the Hindu Marriage Act was allowed on 04.10.2017. She further stated that she has no objection to the quashing of the aforementioned FIR against the accused petitioner. Parties were accordingly directed to appear before the trial Court for recording of their statements in respect of the settlement.

Pursuant to order dated 10.07.2017, the parties appeared before the learned Judicial Magistrate Ist Class, Ludhiana and their statements were recorded on 18.07.2017. Respondent No.2 stated that she has amicably resolved the matter with the accused petitioner out of her own free will, without any undue influence, coercion or pressure and she has no objection to the quashing of the aforementioned FIR against the accused petitioner. Statement of the petitioner in respect of the settlement was recorded as well.

As per report dated 02.08.2017 received from the learned Judicial Magistrate Ist Class, Ludhiana, satisfaction is expressed that compromise arrived at between the parties is genuine and valid, arrived at out of the free will of the parties, without any fear or coercion. None of the parties is reported to be a proclaimed offender/person.

Learned counsel for the State affirms and verifies the factum of settlement between the parties as well as passing of the judgment and

decree dated 04.10.2017 in the proceedings under Section 13(B) of the Hindu Marriage Act. It is submitted 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.90 dated 17.08.2014 under Sections 406, 498-A IPC registered at Police Station Women Police Station, District Ludhiana along with all subsequent proceedings arising therefrom on the basis of compromise dated 13.06.2016 (Annexure P-2) arrived at between the parties are, hereby, quashed.

However, liberty is afforded to respondent No.2 to file appropriate application in this petition, in case any of the facts as mentioned above are not in accordance with the record.

January 17, 2018
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(LISA GILL)
JUDGE

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