

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

Criminal Misc. No.M- 15655 of 2017 (O&M)

Date of decision : March 19, 2018

Sohan Lal and others

.....Petitioners

Versus

State of Punjab and another

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Krishan Sehajpal, Advocate
for the petitioners.

Mr. Sukhleen Singh, AAG, Punjab

Mr. Davinder Singh, Advocate for
Mr. Sandeep Arora, Advocate
for respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No. 1 dated 12.01.2012 under Sections 406/498A IPC registered at Police Station NRI, District Jalandhar 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.3.

It is informed that petition under Section 13B of Hindu Marriage Act, 1955 filed by petitioner No. 3 and respondent No. 2 has since been allowed on 14.03.2018. The entire settled amount has been handed over to respondent No. 2, who has no objection to the quashing of the aforementioned FIR against all the three petitioners.

This Court on 21.09.2017 and 04.12.2017 directed the parties

to appear before learned trial court for recording their statements in respect to the above-mentioned compromise. Learned trial court 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 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 21.09.2017 and 04.12.2017 , the parties appeared before the learned Chief Judicial Magistrate, (NRI Cases) Jalandhar and their statements were recorded on 11.12.2017. Respondent No.2 stated that she has compromised the matter with all the three accused petitioners out of her own free will, without any pressure from any quarter. Statement has been recorded in respect to the receipt of ₹5,50,000/-. Respondent No.2 stated that she has no objection to the quashing of the abovesaid FIR qua the petitioners. Statement of all the petitioners in respect to the compromise was recorded through their authorised special power of attorney holder - Dara Ram.

Learned counsel for the petitioners submits that the petitioners undertake to be bound by the terms and conditions of the settlement. In fact, the terms and conditions thereof have been carried out by the petitioners. The petitioners also undertake to be bound by all the acts and statements made on their behalf by their authorised power of attorney holder – Dara Ram.

As per report dated 13.12.2017 received from the learned Chief Judicial Magistrate, (NRI Cases) Jalandhar, satisfaction is expressed that

the compromise between the parties is genuine, arrived at out of free will of the parties, without any coercion or undue influence. 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. It is reiterated that respondent No.2 has no objection to the quashing of the abovementioned FIR against the petitioners, subject to strict adherence to the terms and conditions of the settlement by 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. 1 dated 12.01.2012 under Sections 406/498A IPC registered at Police Station NRI, District Jalandhar alongwith all consequential proceedings are, hereby, quashed.

March 19, 2018
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No