

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

**CRM-M-17429 of 2018(O&M)
Date of Decision:01.06.2018**

Gurbinder Singh and others

..... Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr.G.S.Jossan, Advocate
the petitioners.

Ms. Ruchika Sabharwal, AAG., Punjab.

Mr. A.S.Khinda, Advocate
for respondent no.2.

LISA GILL, J(Oral).

Prayer in this petition is for quashing of FIR No.215 dated 29.07.2017, under Sections 323, 498-A, 506, 34 IPC and Section 325 IPC, (added subsequently), registered at Police Station Sultanpur Lodhi, District Kapurthala, along with all other consequential proceedings arising therefrom on the basis of a compromise (Annexure P-2) arrived at between the parties.

It is submitted that the above-said FIR was registered at the instance of respondent No.2 due to matrimonial discord with her husband-petitioner no.1. Learned counsel for the petitioners and respondent no.2 submit that petition under Section 13-B of the Hindu Marriage Act, 1955, filed by petitioner no.1 and his wife-respondent no.2 has since been

allowed on 02.05.2018. The entire settled amount has been received by respondent no.2, who has no objection to the quashing of the aforementioned FIR against the petitioners. It is thus prayed that this petition be allowed.

This Court on 26.04.2018 directed the parties to appear before the learned trial court for recording of 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 the petitioners are absconding/proclaimed offender 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 26.04.2018, the parties appeared before the learned Sub Divisional Judicial Magistrate, Sultanpur Lodhi, on 02.05.2018. Respondent No.2 stated that she has compromised the matter with all the accused-petitioners out of her own free will, without any pressure, threat or coercion and has no objection to the quashing of the aforementioned FIR against the petitioners. Separate statements of all the petitioners in respect to the settlement were recorded.

As per report dated 03.05.2018, received from the learned Sub Divisional Judicial Magistrate, Sultanpur Lodhi, satisfaction is expressed that the compromise between the parties is genuine, voluntarily arrived at out of the free will of the parties, without any pressure or coercion. Petitioners are not reported to be proclaimed offenders.

Learned counsel for respondent No.2 affirms and verifies the factum of settlement between the parties. It is reiterated that respondent No.2 has no objection to the quashing of the above-mentioned FIR against the petitioner.

Learned counsel for the State has not raised any serious 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 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.215 dated 29.07.2017, under Sections 323, 498-A, 506, 34 IPC and Section 325 IPC, (added subsequently), registered at Police Station Sultanpur Lodhi,

District Kapurthala, along with all consequential proceedings are, hereby,
quashed.

01.06.2018
s.khan

[LISA GILL]
Judge

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