

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Criminal Misc. No.M- 17572 of 2017 (O&M)

Date of decision : April 05, 2018

Gurpreet KumarPetitioner
Versus
State of Punjab and anotherRespondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. R.K. Shukla, Advocate for the petitioner.

Ms. Seena Mand, DAG, Punjab.

Mr. Kashmir Singh, Advocate for respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No. 1 dated 06.04.2010 under Sections 498A IPC registered at Police Station Sandaur 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 - petitioner. With the intervention of respectables and relatives, a compromise has been arrived at between the parties, the terms of which were reduced into writing on 22.03.2017 (Annexure P-2).

It is submitted that the petitioner and respondent No. 2 have resumed cohabitation and are living together in the matrimonial home alongwith their minor son.

This Court on 28.07.2017, 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 the petitioner is absconding/proclaimed offender and whether any other case is pending against him. Information was sought as to whether all affected persons are a party to the settlement.

Pursuant to order dated 28.07.2017, the parties appeared before the learned Judicial Magistrate First Class, Malerkotla and their statements were recorded on 20.09.2017 and 01.11.2017. Respondent No.2 stated that the matter has been compromised by her with the accused petitioner out of her own free will, without any pressure, coercion or undue influence. Respondent No. 2 further stated that she does not wish to proceed against the petitioner and she is residing alongwith him in her in-laws home with their minor son. Statement of the petitioner in respect to the compromise was also recorded.

As per report dated 20.09.2017/13.11.2017, received from the learned Judicial Magistrate First Class, Malerkotla satisfaction is expressed that the compromise between the parties is voluntary, arrived at out of free will of the parties, without any pressure. The petitioner, who is the sole accused, is not 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 petitioner.

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.

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 06.04.2010 under Sections 498A IPC registered at Police Station Sandaur alongwith all consequential proceedings are, hereby, quashed.

However, liberty is afforded to respondent No.2 to file necessary application for revival of the proceedings in the above said FIR, in case the terms and conditions of settlement between the parties are not adhered to by the petitioner(s) or it is found that the settlement was a mere ruse to have the aforesaid FIR quashed.

April 05, 2018
rts

(Lisa Gill)
Judge

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