

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

Criminal Misc. No.M- 17783 of 2017 (O&M)

Date of decision : April 05, 2018

Vishal Sharma

.....Petitioner

Versus

State of Punjab and another

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

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

Ms. Seena Mand, DAG, Punjab.

Mr. Simrajeet Singh, Advocate for
Mr. J.S. Lalli, Advocate
for respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No. 15 dated 20.02.2016 under Sections 406, 498A IPC registered at Police Station Women Cell, Jalandhar and all other consequential proceedings arising therefrom on the basis of a compromise dated 06.12.2016 (Annexure P-2) 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.

It is informed that petition under Section 13B of Hindu Marriage Act, 1955 filed by the petitioner and respondent No. 2 has since been allowed on 13.07.2017. The entire settled amount has been received by respondent No. 2.

This Court on 19.05.2017, directed the parties to appear before learned Illaqa Magistrate for recording their statements in respect to the above-mentioned compromise. Learned Illaqa Magistrate was directed

to submit a report regarding the genuineness of the compromise, as to

whether it has been arrived at voluntarily, without any coercion or undue influence. Learned Illaqa Magistrate was also directed to intimate whether any of the accused are proclaimed offenders. Information was sought regarding number of persons arrayed as accused.

Pursuant to order dated 19.05.2017, the parties appeared before the learned Judicial Magistrate First Class, Jalandhar and their statements were recorded on 02.08.2017. Respondent No.2 stated that the matter has been compromised by her with the petitioner out of her own free will, without pressure, coercion, undue influence or inducement. Respondent No.2 stated that she has no objection to the quashing of the abovesaid FIR qua the petitioner. Statement of the petitioner in respect to the compromise was also recorded.

As per report dated 10.08.2017 received from the learned Judicial Magistrate First Class, Jalandhar satisfaction is expressed that the compromise between the parties is genuine and not the result of any kind of any pressure or coercion on any of the parties. 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.

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. 15 dated 20.02.2016 under Sections 406, 498A IPC registered at Police Station Women Cell, Jalandhar alongwith all consequential proceedings are, hereby, quashed.

April 05, 2018
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No