

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

Criminal Misc. No.M- 18879 of 2016 (O&M)

Date of decision : March 23, 2018

Vikas Sharma

.....Petitioner

Versus

State of Punjab and another

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Prateek Pandit, Advocate for the petitioner.

Mr. Anmol Singh Sandhu, AAG, Punjab.

Mr. Sudhir Paruthi, Advocate for respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No. 94 dated 12.12.2014 under Sections 406/498A IPC registered at Police Station Women Cell, 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 - petitioner.

It is informed that petition under Section 13B of Hindu Marriage Act, 1955 ('the Act' – for short) filed by the petitioner and respondent No. 2 has since been allowed on 25.01.2018. The entire settled amount has been handed over to respondent No. 2.

This Court on 15.11.2017 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 15.11.2017, the parties appeared before the learned Judicial Magistrate First Class, Jalandhar and their statements were recorded on 20.11.2017. Respondent No.2 stated that the matter has been amicably resolved by her with the accused petitioner out of her own free will, without any pressure, coercion, undue influence and inducement from any quarter. Respondent No.2 stated that she has no objection to the quashing of the abovesaid FIR qua the petitioner subject to the final settlement in petition under Section 13B of the Act. Statement of the petitioner in respect to the compromise was also recorded.

As per report dated 16.01.2018 received from the learned Judicial Magistrate First Class, Jalandhar satisfaction is expressed that the compromise between the parties is genuine, arrived at out of free will of the parties, without any pressure or coercion. The petitioner is not reported to be a proclaimed offender. Statements of the parties are appended alongwith the said report.

Certified copy of judgment and decree dated 25.01.2018 passed in petition under Section 13B of the Act furnished in Court today is taken on record subject to just exceptions.

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.

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. 94 dated 12.12.2014 under Sections 406/498A IPC registered at Police Station Women Cell, District Jalandhar alongwith all consequential proceedings are, hereby, quashed.

March 23, 2018
rts

(Lisa Gill)
Judge

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