

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

CRM-M-18187 of 2017 (O&M)

Date of Decision:10.05.2018

Maninder Kumar

..... Petitioner

Versus

State of Punjab and another

..... Respondents

AND

CRM-M-33173 of 2017 (O&M)

Lovepreet Kumar and others

..... Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Mohit Vashisht, Advocate
the Mr. R.S.Chugh, Advocate
for the petitioners.

Mr. D.S.Sukarcharkia, DAG, Punjab.

Mr. Som Nath Saini, Advocate
for respondent no.2.

LISA GILL, J(Oral).

This order shall dispose of CRM-M-18187 of 2017 and
CRM-M-33173 of 2017. For the sake of convenience, facts are
extracted from CRM-M-18187 of 2017.

Prayer in these petitions is for quashing of FIR No.0101
dated 17.09.2016, under Sections 406, 498-A IPC, registered at

Police Station Women Cell, Patiala, along with all other consequential proceedings arising therefrom on the basis of a compromise 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-Maninder Kumar (petitioner in CRM-M-18187 of 2018). Petitioners in CRM-M-33173 of 2018 are the brother-in-law and parents-in-law of the complainant. Learned counsel for the petitioners submits that petition under Section 13-B of the Hindu Marriage Act, 1955, has since been allowed and the entire settled amount received by respondent no.2. It is thus prayed that this petition be allowed.

This Court on 17.11.2017 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 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 17.11.2017, the parties appeared before the learned Judicial Magistrate Ist Class, Patiala, on 12.12.2017. Respondent No.2 stated that the matter has been amicably resolved by her with all the accused persons out of her free will, without any pressure or coercion and she has no objection to the

quashing of the aforementioned FIR against all the accused-petitioners. Joint statement of the all the petitioners was also recorded in respect to the settlement in question. Copy of the compromise deed was tendered as Ex.CX.

As per report dated 15.12.2017, received from the learned Judicial Magistrate Ist Class, Patiala, satisfaction is expressed that compromise between the parties is genuine, voluntarily arrived at out of the free will of the parties, without any pressure or coercion. None of the petitioners are 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 petitioners.

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 these cases, 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.

These petitions are, thus, allowed and FIR No.0101 dated 17.09.2016, under Sections 406, 498-A IPC, registered at Police Station Women Cell, Patiala, along with all consequential proceedings are, hereby, quashed.

10.05.2018
s.khan

[LISA GILL]
Judge

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