

267-2

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

CRM-M No.18403 of 2017

Date of Decision: January 17, 2018

Ranjit Singh and others

..... Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Harpreet Singh Jakhal, Advocate
for the petitioners.

Ms. Monika Jalota, DAG, Punjab
for respondent No.1-State.

Mr. Harpal Singh Sidhu, Advocate
for respondent No.2.

LISA GILL J. (ORAL)

Prayer in this petition is for quashing of FIR No.111 dated 20.09.2016 under Sections 406, 498-A IPC registered at Police Station City Jalalabad(W), along with all subsequent and consequential proceedings arising therefrom on the basis of compromise dated 12.05.2017 (Annexure P-2) arrived at between the parties.

It is submitted that the afore-mentioned FIR was registered at the instance of respondent No.2 due to matrimonial discord with her husband i.e., petitioner No.1. However, with the intervention of respectables, the matter has been amicably resolved. The terms and conditions of settlement were reduced into writing (Annexure P-2). It is informed that petition under Section 13(B) of the Hindu Marriage Act filed by respondent No.2 and petitioner No.1 has since been allowed on 20.11.2017.

Pursuant to order dated 22.05.2017, the parties appeared before the learned Judicial Magistrate Ist Class, Jalalabad(W) and their statements were recorded on 09.06.2017. Respondent No.2 stated that she has amicably resolved the matter with all the accused petitioners out of her own free will, without any pressure. She further stated that she has no objection to the quashing of the aforementioned FIR against all the accused petitioners. Joint statement of the petitioners in respect of the settlement was recorded as well.

As per report dated 14.07.2017 received from the learned Judicial Magistrate, Ist Class, Jalalabad (W), satisfaction is expressed that compromise between the parties is genuine and has been arrived at with their free consent. None of the accused-petitioners are reported to be proclaimed offenders.

Learned counsel for respondent No.2 affirms and verifies the factum of settlement between the parties as well as passing of the judgment and decree dated 20.11.2017 in the proceedings under Section 13(B) of the Hindu Marriage Act. It is submitted 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.

Learned counsel for the State, in view of the peculiar circumstances of the case has not raised any serious objections to the quashing of this FIR.

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.111 dated 20.09.2016 under Sections 406, 498-A IPC registered at Police Station City Jalalabad(W), along with all subsequent and consequential proceedings arising therefrom on the basis of compromise dated 12.05.2017 (Annexure P-2) are, hereby, quashed.

January 17, 2018

rittu

**(LISA GILL)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No