

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

**Crl. Misc. No. M-18432 of 2017
Date of Decision : March 23, 2018**

Onkar Singh and othersPetitioners

Versus

State of Punjab and others Respondents

CORAM : HON'BLE MRS. JUSTICE LISA GILL

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Present: Mr. Sukhdev Singh Gopera, Advocate for
Mr. S.S.Grewal, Advocate
for the petitioners.

Mr. Anmol Singh Sandhu, AAG, Punjab.

Mr. Ithlesh, Advocate for
Mr. A.S.Cheema, Advocate
for respondents No. 2 and 3.

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LISA GILL, J. (Oral)

Prayer in this petition is for quashing of FIR No.39 dated 30.03.2017 under Sedctions 498-A, 420, 406 and 120-B IPC registered at Police Station Sardulgarh, District Mansa, along with all other consequential proceedings arising therefrom on the basis of compromise dated 11.04.2017 (Annexure P2) arrived at between the parties.

The above-said FIR was registered at the instance of respondent No.2 due to matrimonial discord with her husband i.e. petitioner No.1. The matter was amicably resolved. The terms and conditions of settlement were reduced into writing on 11.04.2017 (Annexure P-2).

It is informed that petition under Section 13-B of the Hindu Marriage Act, 1955 filed by petitioner No.1 and respondent No.2 has since

been allowed in December 2017. The entire settled amount has been handed over to respondent No.2.

Pursuant to order dated 13.12.2017, the parties appeared before the learned Sub Divisional Judicial Magistrate, Sardulgarh, and their statements were recorded on 01.02.2018. Respondent No.2 stated that the matter has been amicably resolved by her with all the accused-petitioners out of her own free will and she has no objection to the quashing of the above-said FIR against all the petitioners. It is specifically stated that she received a Demand Draft of ₹ 5.50 lakhs on 01.02.2018 in terms of the compromise. Statement of respondent No.3 i.e. father of respondent No.2 as well as signatory of the compromise dated 11.04.2017 was also recorded. Joint statement of the petitioners in respect to the compromise was recorded as well.

As per report dated 26.02.2018 received from the learned Sub Divisional Judicial Magistrate, Sardulgarh, satisfaction is expressed that the compromise between the parties is genuine, arrived at out of the free will of the parties without any pressure or undue influence. None of the petitioners is reported to be a proclaimed offender. Statements of the parties are appended along with the said report.

Learned counsel for respondent No.2 reaffirms and verifies the factum of settlement between the parties as well as the fact that petition under Section 13-B of the Hindu Marriage Act, 1955 has since been allowed. The entire settled amount of ₹ 11 lakhs, it is stated, has been received by respondent No.2. It is reiterated that respondent No.2 has no objection to the quashing of the above-mentioned FIR against all the petitioners.

Learned counsel for the State has not raised any serious objection to the quashing of the aforesaid 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 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.

This petition is, thus, allowed and FIR No. 39 dated 30.03.2017 under Sedctions 498-A, 420, 406 and 120-B IPC registered at Police Station Sardulgarh, District Mansa, along with all consequential proceedings are, hereby, quashed.

23.03.2018
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(LISA GILL)
JUDGE

Note: Whether speaking/reasoned
Whether Reportable:

Yes / No
Yes / No