

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

CRM-M No.18697 of 2017

Date of Decision: January 10, 2018

Gurjit Singh and others

..... Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Karanjit Singh, Advocate
for the petitioners.

Ms. Seena Mand, DAG, Punjab
for respondent No.1-State.

Ms. Manjeet Kaur, Advocate
for respondent No.2.

LISA GILL J. (ORAL)

Prayer in this petition is for quashing of FIR No.5 dated 12.01.2017 under Sections 406, 498-A IPC registered at Police Station Tanda, District Hoshiarpur along with all subsequent proceedings arising therefrom on the basis of compromise dated 17.05.2017 (Annexure P-2).

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.

It is informed that pursuant to the compromise between the parties, respondent No.2 is residing with petitioner No.1 at her matrimonial home. She has no objection to the quashing of the aforementioned FIR against all the accused petitioners.

The parties were directed to appear before the Illaqa Magistrate for recording of the statements in respect to the settlement by this Court on 24.05.2017. The learned Illaqa Magistrate was directed to submit a report regarding the settlement.

Pursuant to orders dated 24.05.2017 and 17.07.2017, the parties appeared before the learned Judicial Magistrate First Class, Dasuya and their statements were recorded on 31.07.2017. Respondent No.2 stated that the matter has been amicably resolved by her out of her own free will, without any pressure or coercion with all the accused petitioners. Copy of the compromise was produced as Mark 'A'. It is further stated by respondent No.2 that she has no objection to the quashing of the aforementioned FIR against all the accused-petitioners. Separate statement of all the petitioners in respect to the settlement was recorded as well.

As per report dated 24.08.2017 received from the learned Judicial Magistrate First Class, Dasuya, satisfaction is expressed that compromise between the parties has been arrived at voluntarily, out of the free will of all the parties, without any pressure, coercion, undue influence or any fear. None of the accused persons are reported to be proclaimed offenders.

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 subject to strict adherence to the terms and conditions of the settlement by 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.15 dated 18.04.2017 under Sections 307, 498 A IPC registered at Police Station Lakhewali, District Sri Muktsar Sahib along with all consequential proceedings are, hereby, quashed.

However, liberty is afforded to respondent No.2 to file necessary application for revival of the proceedings in the above said FIR,

in case the terms and conditions of settlement between the parties are not adhered to by the petitioner(s) or it is found that the settlement was a mere ruse to have the aforesaid FIR quashed.

January 10, 2018

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(LISA GILL)
JUDGE

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