

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

Criminal Misc. No. M- 19211 of 2017(O&M)

Date of Decision: January 18 , 2018.

Sofat Ali @ Sokat Ali

..... PETITIONER(s)

Versus

U.T. Chandigarh and others

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Sunil K.Chaudhary, Advocate
for the petitioners.

Mr. Deepinder Brar, APP, U.T.

Mr. Sukhdev S.Kanwar, Advocate
for respondents No.2 and 3.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.0056 dated 14.04.2017 under Sections 306/498A/511 IPC, registered at Police Station 3 (North), Chandigarh and all other consequential proceedings arising therefrom.

It is submitted that no offence punishable under Sections 306/511 IPC is made out in this case. The petitioner and his wife, respondent No.3 have resumed cohabitation and are living together in their matrimonial home. The abovesaid FIR was registered at the instance of respondent No.2 due to certain misunderstandings which have since been removed.

Respondents No.2 and 3, duly identified by their counsel, are

present in Court. Both of them reiterated that all misunderstandings between the parties have been removed and respondent No.3 is living with the petitioner in peace and harmony at her matrimonial home and does not wish to continue with the proceedings against her husband.

This Court on 30.10.2017 directed the parties to appear before learned Illaqa Magistrate for recording their statements in respect to the above-mentioned compromise. Learned Illaqa Magistrate 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 Illaqa Magistrate 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 30.10.2017, the parties appeared before the learned Judicial Magistrate First Class, Chandigarh and their statements were recorded on 22.11.2017. The complainant/respondent No.2 as well as respondent No.3/victim stated that the matter has been amicably resolved with the petitioner. Matrimonial ties with the petitioner have been resumed by respondent No.3 and they were residing peacefully in their matrimonial home. The settlement, it is stated, is voluntary and genuine, arrived at out of the free will of the parties without any pressure or undue influence from any quarter. Both have stated that they have no objection in case the abovesaid FIR against the accused petitioner is quashed. Statement of the petitioner in respect to the settlement was recorded as well.

As per report dated 22.11.2017 received from the learned Judicial

Magistrate First Class, Chandigarh, satisfaction is expressed that the compromise between the parties is genuine and voluntary, arrived at between them without any coercion or pressure. The petitioner is not reported to be a proclaimed offender. Statements of the parties are appended alongwith the said report.

Learned counsel for respondents No.2 and 3 reaffirms and verifies the factum of settlement between the parties. It is reiterated that respondents No.2 and 3 have no objection to the quashing of the abovementioned FIR against the petitioner.

Learned counsel for Union Territory, Chandigarh submits that as the abovesaid FIR arises out of a matrimonial dispute, the State has no objection to the quashing of the FIR in question as well as all consequential proceedings 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.0056 dated 14.04.2017 under Sections 306/498A/511 IPC, registered at Police Station 3 (North), Chandigarh alongwith 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 or it is found that the settlement was a mere ruse to have the aforesaid FIR quashed.

January 18 , 2018.
'om'

**(LISA GILL)
JUDGE**

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