

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

CRM-M No.19386 of 2017

Date of Decision: January 08, 2018

Manpreet Singh and others

..... Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Amanpreet Singh, Advocate for
Mr. Nikhil Bhatia, Advocate
for the petitioners.

Ms. Monika Jalota, Advocate
for respondent No.1-State.

Mr. Jaskamal Singh Grewal, Advocate for
Mr. Karanjeet Singh Brar, Advocate
for respondent No.2.

LISA GILL J. (ORAL)

Prayer in this petition is for quashing of FIR No.15 dated 18.04.2017 under Sections 307, 498 A IPC registered at Police Station Lakhewali, District Sri Muktsar Sahib along with consequential proceedings arising therefrom on the basis of compromise dated 09.05.2017 (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.

Learned counsel for the petitioners submits that no offence punishable under Section 307 IPC in any case is made out. Petition under Section 13(B) of Hindu Marriage Act, 1955 filed by petitioner No.1 and respondent No.2 has since been allowed on 08.12.2017. It is thus prayed that this petition be allowed.

Pursuant to order dated 25.08.2017, the parties appeared before the learned Sub Divisional Judicial Magistrate, Malout and their statements were recorded on 08.09.2017. The complainant - 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 and coercion. Respondent No.2 further stated that she has no objection to the quashing of the aforementioned FIR against all the accused-petitioners. Joint statement of all the petitioners in respect of the settlement was recorded as well.

As per report dated 21.09.2017 received from the learned Sub Divisional Judicial Magistrate, Malout, satisfaction is expressed that compromise between the parties is genuine, voluntary, arrived at out of free will of the parties, without any threat and coercion. None of the accused-petitioners is reported to be a proclaimed offender.

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 in view of the settlement between the parties.

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.

(LISA GILL)
JUDGE

January 08, 2018

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No