

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

**Criminal Misc. No. M- 19388 of 2017(O&M)**

**Date of Decision: April 06 , 2018.**

Sandeep Singh @ Sonu and another

..... PETITIONER(s)

**Versus**

State of Punjab and another

..... RESPONDENT (s)

**CORAM:- HON'BLE MRS.JUSTICE LISA GILL**

Present: Mr. Abhishek Chautala, Advocate for  
Mr. J.S.Thind, Advocate  
for the petitioners.

Ms. Seena Mand, DAG, Punjab.

Ms. Jaideep Kaur, Advocate for  
Mr. Vishal Goel, Advocate  
for the complainant/respondent No.2.

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**LISA GILL, J.**

Prayer in this petition is for quashing of FIR No.122 dated 01.08.2013 under Sections 498A/323/323/506/120B IPC (Section 406 IPC was added subsequently), registered at Police Station Gate Hakima, Amritsar City and all other consequential proceedings arising therefrom on the basis of a compromise arrived at between the parties.

The abovesaid FIR was registered at the instance of respondent No.2 due to matrimonial discord with her husband i.e., petitioner No.1. With the intervention of respectables and relatives, a compromise was arrived at between

the parties, the terms of which were reduced into writing on 13.12.2016 (Annexure P2). Petitioner No.1 and respondent No.2 decided to part ways.

It is informed that petition under Section 13B of the Hindu Marriage Act, 1955 filed by petitioner No.1 and respondent No.2 has since been allowed on 21.09.2017. The entire settled amount, it is submitted, has been handed over to respondent No.2, who has no objection to the quashing of the aforementioned FIR against both the petitioners.

This Court on 26.05.2017 directed the parties to appear before learned trial court for recording their statements in respect to the above-mentioned compromise. Learned trial court 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 trial court was also directed to intimate whether any of the petitioners are absconding/proclaimed offenders and whether any other case is pending against them. Information was sought as to whether all affected persons are a party to the settlement.

Pursuant to order dated 26.05.2017, the parties appeared before the learned Judicial Magistrate First Class, Amritsar and their statements were recorded on 04.07.2017. Respondent No.2 stated that she has amicably resolved the matter with both the petitioners out of her own free will without any force, threat or coercion. Copies of the compromise deed and the petition filed under Section 13B of the Hindu Marriage Act, 1955 were tendered as mark 'A' and 'B', respectively. Respondent No.2 further stated that she has no objection in case the abovesaid FIR against both the petitioners is quashed. Statements of the

petitioners in respect to the settlement were recorded as well.

As per report dated 21.07.2017 received from the learned Judicial Magistrate First Class, Amritsar, it is opined that compromise between the parties is genuine and voluntary, arrived at without any coercion or undue influence. None of the petitioners are reported to be proclaimed offenders. Statements of the parties are appended alongwith the said report.

Learned counsel for respondent No.2 reaffirms and verifies the factum of settlement between the parties. It is reiterated that respondent No.2 has received the entire settlement amount in terms of the settlement and has no objection to the quashing of the abovementioned FIR against the petitioners.

Learned counsel for the State, on instructions from ASI Arjan Kumar, 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.122 dated 01.08.2013 under Sections 498A/323/323/506/120B IPC (Section 406 IPC was added subsequently), registered at Police Station Gate Hakima, Amritsar City alongwith all consequential proceedings are, hereby, quashed.

April 6, 2018.  
'om'

( LISA GILL )  
JUDGE

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