

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

Criminal Misc. No. M- 19649 of 2017(O&M)

Date of Decision: May 28 , 2018.

Ritesh Maheshwari and others

..... PETITIONER(s)

Versus

State of Punjab and another

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Ishan Gupta, Advocate
for the petitioners.

Ms. Ruchika Sabharwal, AAG, Punjab.

None for respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.135 dated 08.09.2016 under Sections 323/341/506/34/406/498A IPC, registered at Police Station Division No.6, Ludhiana 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 Aakash Monga, a cousin brother of respondent No.2 due to the matrimonial dispute with her husband i.e., petitioner No.1. It is submitted that the dispute between the parties has been amicably resolved before the Mediation and Conciliation Centre of this Court, the terms of which were reduced into writing on 03.05.2017 (Annexure P1). Petitioner No.1 and respondent No.2 decided to part ways.

Learned counsel for the petitioners submits that petition under Section 173 Cr.P.C. of the Hindu Marriage Act, 1955 has been allowed on 20.11.2017. It is further submitted that the entire settled amount has since been remitted to respondent No.2.

Copy of the judgment and decree dated 20.11.2017 passed by the learned Additional District Judge, Ludhiana is attached with this file.

This Court on 30.05.2017 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 between the parties voluntarily without any coercion or undue influence. Learned Illaqa Magistrate was also directed to intimate the number of persons arrayed as accused and whether any of the petitioners are absconding/ proclaimed offenders.

Pursuant to order dated 30.05.2017, the petitioners and respondent No.2 appeared before the learned Judicial Magistrate First Class, Ludhiana and their statements were recorded on 07.07.2017. Statement of the complainant Aakash Monga, in respect to the compromise was recorded on 18.07.2017. The complainant as well as respondent No.2 in their separate statements stated that the matter has been compromised with all the accused petitioners before the Mediation and Conciliation Centre of this Court, out of their own free will without any coercion or undue influence and have no objection in case the abovesaid FIR against the accused petitioners is quashed. Joint statement of the petitioners in respect to the settlement was recorded as well.

As per report dated 27.07.2017 received from the learned Judicial Magistrate First Class, Ludhiana, satisfaction is expressed that the compromise between the parties is genuine, arrived at without any pressure. None of the petitioners are reported to be proclaimed offenders. Statements of the parties are appended alongwith the said report.

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 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.135 dated 08.09.2016

under Sections 323/341/506/34/406/498A IPC, registered at Police Station Division No.6, Ludhiana 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 any of the facts as narrated above are not as per the record.

May 28 , 2018.
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(LISA GILL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No