

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

Criminal Misc. No. M- 20603 of 2016(O&M)

Date of Decision: May 17 , 2018.

Parvesh Kumar and others

..... PETITIONER(s)

Versus

State of Punjab and others

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: None for the petitioners.

Ms. Ruchika Sabharwal, AAG, Punjab.

Mr. H.S.Kotli, Advocate for
Mr. J.S.Khiva, Advocate
for respondents No.2 and 5.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.71 dated 28.07.2015, under Sections 498A/406 IPC, registered at Police Station Bareta, District Mansa 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.4 due to matrimonial discord between the complainant's daughter, respondent No.5 and her husband, petitioner No.1. The matter has been amicably resolved between the parties before the Mediation and Conciliation Centre of this Court, the terms of which were reduced into writing on 16.05.2016 (Annexure P2).

Petitioner No.1 and his wife, respondent No.5 decided to part ways. Learned counsel for respondents No.4 and 5 informs that petition under Section 13B of the Hindu Marriage Act, 1955 has since been allowed and respondent No.5 received the entire settled amount in terms of the compromise.

This Court on 28.09.2017 and 21.03.2018 directed the parties to appear before learned trial court/Illaq Magistrate for recording their statements in respect to the above-mentioned compromise. Learned trial court/Illaq 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 trial court/Illaq Magistrate 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 orders dated 28.09.2017 and 21.03.2018, the parties appeared before the learned Judicial Magistrate First Class, Budhlada and their statements were recorded on 16.04.2018. The complainant/respondent No.4 stated that the matter has been amicably resolved with all the accused petitioners out of his own free will without any kind of pressure and he has no objection in case the abovesaid FIR against the petitioners is quashed. Respondent No.5, wife of petitioner No.1 has also stated that the compromise between the parties is genuine, arrived at out of her free own will without any pressure. She has also expressed her 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 18.04.2018 received from the learned Judicial Magistrate First Class, Budhlada, satisfaction is expressed that the compromise between the parties is voluntary, arrived at without any kind of pressure or coercion. None of the petitioners are reported to be proclaimed offenders. Statements of the parties are appended alongwith the said report.

Learned counsel for respondents No.4 and 5 reaffirms and verifies the factum of settlement between the parties. It is reiterated that respondents No.4 and 5 have no objection to the quashing of the abovementioned FIR against 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 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.71 dated 28.07.2015, under Sections 498A/406 IPC, registered at Police Station Bareta, District Mansa alongwith all consequential proceedings are, hereby, quashed.

May 17 , 2018.
'om'

(LISA GILL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No