

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

**Crl. Misc. No. M-20065 of 2017 (O&M)
Date of Decision : March 09, 2018**

Satinder Pal SinghPetitioner

Versus

State of Punjab and others Respondents

CORAM : HON'BLE MRS. JUSTICE LISA GILL

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Present: Mr. Gulzar Mohammad, Advocate for
Mr. Neeraj Mahajan, Advocate
for the petitioner.

Mr. Anmol Singh Sandhu, AAG, Punjab.

Mr. J.S.Ghumman, Advocate
for respondent No.2.

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LISA GILL, J. (Oral)

Prayer in this petition is for quashing of FIR No.05 dated 04.02.2016 under Sections 498-A and 406 IPC registered at Police Station Women Cell, Jalandhar, along with all other consequential proceedings arising therefrom on the basis of compromise (Annexure P2) arrived at between the parties.

The above-said FIR was registered at the instance of respondent No.2 due to matrimonial discord with her husband i.e. the petitioner. The matter was amicably resolved. The terms and conditions of settlement were reduced into writing on 23.05.2017 (Annexure P-2).

It is informed that petition under Section 13-B of the Hindu Marriage Act, 1955 filed by the petitioner and respondent No.2 has since been allowed on 01.12.2017. The entire settled amount has been handed

over to respondent No.2 .

Pursuant to order dated 31.05.2017, the parties appeared before the learned Judicial Magistrate First Class, Jalandhar, and their statements were recorded on 11.07.2017. Respondent No.2 stated that the matter has been amicably resolved by her out of her own free will, without any pressure, coercion, undue influence and inducement from any quarter. It is mentioned that the petition under Section 13-B of the Hindu Marriage Act, 1955 has been filed by the parties. Respondent No.2 stated that she would withdraw her petition under Section 125 Cr.P.C. It is specifically stated that she has no objection to the quashing of the above-said FIR against the petitioner. Statement of the petitioner in respect to the compromise was also recorded.

As per report dated 19.07.2017 received from the learned Judicial Magistrate First Class, Jalandhar, satisfaction is expressed that the settlement between the parties is genuine, not the result of any pressure or coercion on any of the parties. Petitioner is not reported to be a proclaimed offender. Statements of the parties are appended along with 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 no objection to the quashing of the above-mentioned FIR against the petitioner.

Learned counsel for the State has not raised any serious objection to the quashing of the aforesaid 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 above-said 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. 05 dated 04.02.2016 under Sections 498-A and 406 IPC registered at Police Station Women Cell, Jalandhar, along with all consequential proceedings are, hereby, quashed.

09.03.2018
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(LISA GILL)
JUDGE

Note: Whether speaking/reasoned
Whether Reportable:

Yes / No
Yes / No