

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

Criminal Misc. No.M- 2155 of 2018 (O&M)

Date of decision : April 18, 2018

Paramjit Singh and others

.....Petitioners

Versus

Mandeep Kaur and another

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Avtar S. Khinda, Advocate for the petitioners.

Mr. D.S. Nigha, Advocate for respondent No.1.

Mr. Sukhleen Singh, AAG, Punjab

LISA GILL, J.

Prayer in this petition is for quashing of Complaint No. 6 dated 06.09.2013 under Sections 498A, 406, 506, 354, 148, 149 IPC and summoning order dated 24.12.2013 and all other consequential proceedings arising therefrom on the basis of compromise dated 19.12.2017 (Annexure P-3) arrived at between the parties before the Mediation Centre, District Court, Gurdaspur.

It is informed that petition under Section 13B of Hindu Marriage Act, 1955 has been filed by petitioner No. 1 and respondent No. 1. Their statements at first motion have been recorded. The entire settled amount has been received by respondent No. 1.

This Court on 19.01.2018 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/Illaqa 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 party to the settlement.

Pursuant to order dated 19.01.2018, the parties appeared before the learned Judicial Magistrate First Class, Batala and their statements were recorded on 26.03.2018. Respondent No. 1 stated that the matter has been compromised by her with all the accused persons out of her own free will, without any pressure, force, threat, coercion or undue influence. Respondent No. 1 stated that she has no objection to the quashing of the abovesaid complaint as well as summoning order dated 24.12.2013 and all subsequent proceedings arising therefrom qua the petitioners. Statements of the petitioners in respect to the compromise were also recorded.

As per report dated 06.04.2018 received from the learned Judicial Magistrate First Class, Batala, satisfaction is expressed that the compromise between the parties is genuine, arrived at out of free will of the parties, without any pressure, threat, coercion or undue influence. None of the petitioners is reported to be a proclaimed offender. Statements of the parties are appended alongwith the said report.

Learned counsel for respondent No.1 reaffirms and verifies the factum of settlement between the parties. It is reiterated that respondent No.1 has no objection to the quashing of the abovementioned FIR against the petitioners subject to strict adherence to the terms and conditions of the settlement by the petitioners. It is affirmed that the entire settled amount has been received by respondent No. 1.

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 complaint 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 Complaint No. 6 dated 06.09.2013 under Sections 498A, 406, 506, 354, 148, 149 IPC and summoning order dated 24.12.2013 alongwith all consequential proceedings are, hereby, quashed.

April 18, 2018
rts

(Lisa Gill)
Judge

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