

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

Criminal Misc. No.M- 20767 of 2017 (O&M)

Date of decision : March 12, 2018

Sohan Singh and others

.....Petitioners

Versus

State of Punjab and another

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Vishal Goel, Advocate
for the petitioners.

Mr. Sukhleen Singh, AAG, Punjab

Mr. Parveen Sharma, Advocate for
Mr. M.S. Punia, Advocate
for respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No. 38 dated 06.06.2013 under Sections 406, 498A IPC registered at Police Station Women, District Patiala 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.

It is submitted that respondent No. 2 and petitioner No. 1 have resumed matrimonial ties and both of them are living together in the matrimonial home in peace and harmony alongwith their minor children. It is submitted that respondent No. 2 has no objection to the quashing of the above mentioned FIR against all the petitioners. The present petition has been filed on the basis of this compromise.

This Court on 02.06.2017 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 voluntarily, without any coercion or undue influence. Learned trial Court was also directed to intimate whether any of the accused are proclaimed offenders. Information was sought regarding number of persons arrayed as accused.

Pursuant to order dated 02.06.2017, the parties appeared before the learned Judicial Magistrate First Class, Patiala and their statements were recorded on 10.07.2017. Respondent No.2 stated that the matter has been compromised by her with all the accused persons out of her own free will, without any pressure or coercion. Respondent No.2 further stated that she is residing in her matrimonial home peacefully alongwith her husband and children and she has no objection to the quashing of the abovesaid FIR qua the petitioners. Joint statement of the petitioners in respect to the compromise was also recorded.

As per report dated 20.07.2017 received from the learned

Judicial Magistrate First Class, Patiala satisfaction is expressed that the compromise between the parties is genuine, executed between the parties out of their own free will and consent, without any threat or pressure. 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.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 abovementioned FIR against the petitioners in view of the resumption of matrimonial ties.

Learned counsel for the State, on instructions from ASI Gurjit Singh, submits that as the abovesaid FIR arises out of a matrimonial dispute, the State has no objection to the quashing of this FIR on the basis of a settlement arrived at between the parties. It is verified that petitioner No. 1 and respondent No. 2 are living together in the matrimonial home alongwith their minor children.

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. 38 dated 06.06.2013 under Sections 406, 498A IPC registered at Police Station Women, District Patiala 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 the terms and conditions of settlement between the parties are not adhered to by the petitioner(s) or it is found that the settlement was a mere ruse to have the aforesaid FIR quashed.

March 12, 2018
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No