

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

Criminal Misc. No.M- 23107 of 2017 (O&M)

Date of decision : February 14, 2018

Gurpreet Singh and others

.....Petitioners

Versus

State of Punjab and another

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Ms. Harmanpreet Kaur (Simmi), Advocate
for the petitioners.

Mr. Sukhleen Singh, AAG, Punjab

Mr. Satbir Gill, Advocate
for respondent No. 2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No. 23 dated 01.06.2016 under Sections 498A, 406 IPC registered at Police Station Women Cell, District Bathinda 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 informed that petition under Section 13B of Hindu Marriage Act, 1955 ('the Act' – for short) has been allowed on 29.11.2017. A photocopy of order dated 29.11.2017 passed by learned District Judge, Bathinda produced in Court today is taken on record subject to just exceptions. The present petition has been filed on the basis of this compromise.

This Court on 04.07.2017 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 and voluntary nature of the compromise. Learned trial court was also directed to intimate whether all the accused/petitioners are appearing before the Court or are on bail. Information was also sought as to whether any other case is pending against them.

Pursuant to order dated 04.07.2017, the parties appeared before the learned Judicial Magistrate First Class, Bathinda and their statements were recorded on 25.07.2017. Respondent No.2 stated that the matter has been compromised by her with the intervention of relatives and friends. It is stated that petition under Section 13B of the Act has been filed and the entire settled maintenance of ₹4.25 lakhs was received by her. It is stated that the compromise has been arrived at out of her own free will, without any pressure or coercion. Respondent No.2 further stated that she has no objection to the quashing of the abovesaid FIR qua the petitioners. Statements of the petitioners in respect to the compromise were also recorded.

As per report dated 25.07.2017 received from the learned Judicial Magistrate First Class, Bathinda, satisfaction is expressed that the compromise between the parties is genuine, voluntary, arrived at out of free will of the parties, without any 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.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.

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 this 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 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. 23 dated 01.06.2016 under Sections 498A, 406 IPC registered at Police Station Women Cell, District Bathinda alongwith all consequential proceedings are, hereby, quashed.

February 14, 2018
rts

(Lisa Gill)
Judge

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