

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

**CRM-M-23288 of 2017 (O&M)**  
**Date of Decision:23.02.2018**

Gurpreet Singh @ Gopi and another

..... Petitioners

Versus

State of Punjab and another

..... Respondents

**CORAM:- HON'BLE MRS.JUSTICE LISA GILL**

Present: Mr. Deepak Arora, Advocate  
the petitioners.

Ms. Monika Jalota, DAG., Punjab.

Mr.G.S.Rawat, Advocate  
for respondent no.2.

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**LISA GILL, J(Oral).**

Prayer in this petition is for quashing of FIR No.17 dated 13.02.2015, under Sections 498-A, 342, 323 IPC, registered at Police Station Sadar, Gurdaspur, District Gurdaspur, along with all other consequential proceedings arising therefrom on the basis of compromise arrived at between the parties.

It is submitted that the above-said FIR was registered at the instance of respondent No.2 due to matrimonial discord with her husband-petitioner no.1. It is informed by learned counsel for the petitioners as well as respondent no.2 that petition under Section 13-B of the Hindu Marriage Act, 1955, filed by petitioner no.1 and respondent no.2 has since been allowed in November 2017. The entire settled amount has been received by respondent no.2. It is thus prayed that this petition be allowed.

This Court on 21.11.2017 directed the parties to appear before the learned trial court for recording of 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 out of the free will and volition of the parties without any coercion, fear or undue influence. Learned trial court was also directed to intimate whether the petitioners are absconding/proclaimed offender 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 order dated 21.11.2017, the parties appeared before the learned Additional Chief Judicial Magistrate, Gurdaspur, on 27.11.2017. Respondent No.2 stated that she has entered into a compromise with both the accused-petitioners out of her own free will and consent, without any pressure with the intervention of respectable persons. It is further stated by her that she has no objection to the quashing of the aforementioned FIR and all consequential proceedings arisen therefrom against the petitioners. Joint statement of the petitioners in respect to the settlement was recorded. Statement of petitioner no.1 was recorded through special power of attorney holder Phuman Singh, his father. It is specifically submitted by learned counsel for the petitioners that petitioner no.1 undertakes to abide by all the acts and submissions made on his behalf by his authorized power of attorney holder-Phuman Singh. In fact, the petitioner has carried out the terms and conditions of the settlement between the parties.

As per report dated 30.11.2017, received from the learned Additional Chief Judicial Magistrate, Gurdaspur, satisfaction is expressed that the compromise between the parties is genuine, voluntarily arrived at out of the free will of the parties, without any pressure, coercion or undue influence. Petitioners are not reported to be proclaimed offenders.

Learned counsel for respondent No.2 affirms 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 both the petitioners.

Learned counsel for the State has not raised any serious 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 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.17 dated 13.02.2015, under Sections 498-A, 342, 323 IPC, registered at Police Station Sadar, Gurdaspur, District Gurdaspur, along with all consequential proceedings are, hereby, quashed.

**23.02.2018**

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**[LISA GILL]**  
**Judge**

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