

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

Criminal Misc. No.M- 25384 of 2017 (O&M)

Date of decision : February 02, 2018

Sinderpal Kaur

.....Petitioner

Versus

State of Punjab and another

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Rao Ajender Singh, Advocate for the petitioner.

Ms. Monika Jalota, DAG, Punjab.

Mr. Arshdeep Singh, Advocate for respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No. 180 dated 17.09.2016 under Sections 323, 406, 498A IPC registered at Police Station City Kharar, District SAS Nagar (Mohali) 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 the petitioner due to matrimonial discord with her husband i.e., respondent No.2. It is submitted that the petitioner and respondent No. 2 have resumed matrimonial ties and both of them are living together in the matrimonial home alongwith their minor child. The parties wish to live in peace and harmony and put an end to the acrimony between them. The present petition has been filed on the basis of this compromise.

This Court on 04.10.2017 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 the accused is absconding/proclaimed offender and whether any other case is pending against him. Information was sought as to whether all affected persons are a party to the settlement.

Pursuant to order dated 04.10.2017, the parties appeared before the learned Sub Divisional Judicial Magistrate, Kharar and their statements were recorded on 30.10.2017. The complainant – petitioner stated that the matter has been amicably resolved with respondent No. 2 - accused. Compromise dated 03.11.2016 was tendered as Ex. C1. It is stated that she has no objection in case the above said FIR against respondent No. 2 is quashed. Statement of respondent No. 2 in respect to the compromise was also recorded. Statement of HC Lakhwinder Singh, Investigating Officer was recorded to the effect that respondent No. 2 is the sole accused and is not reported to be a proclaimed offender/person.

As per report dated 07.12.2017 received from the learned Sub Divisional Judicial Magistrate, Kharar, satisfaction is expressed that the compromise between the parties is genuine, arrived at out of free will of the parties, without any threat, coercion or undue influence. Respondent No. 2 is not 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 submitted that respondent No.2 agrees to abide by the terms and conditions of the settlement.

Learned counsel for the State, on instructions from ASI Jiwan

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.

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. 180 dated 17.09.2016 under Sections 323, 406, 498A IPC registered at Police Station City Kharar, District SAS Nagar (Mohali) alongwith all consequential proceedings are, hereby, quashed.

(Lisa Gill)
Judge

February 02, 2018
rts

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