

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

CRM-M No.26173 of 2017

Date of Decision: January 17, 2018

Jatinder Singh and another

..... Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Karanjit Singh, Advocate
for the petitioners.

Ms. Monika Jalota, DAG, Punjab
for respondent No.1-State.

Mr. Jatinder Singh Gill, Advocate
for respondent No.2.

LISA GILL J. (ORAL)

Prayer in this petition is for quashing of FIR No.68 dated 09.06.2017 under Sections 498-A, 406 IPC registered at Police Station Goindwal Sahib, District Tarn Taran along with all subsequent proceedings arising therefrom on the basis of compromise dated 28.06.2017 (Annexure P-2) arrived at between the parties.

It is submitted that the afore-mentioned FIR was registered at the instance of respondent No.2 due to matrimonial discord with her husband i.e., petitioner No.1. However, with the intervention of respectables, the matter has been amicably resolved. The terms and conditions of settlement were reduced into writing (Annexure P-2).

It is informed that petition under Section 13(B) of the Hindu Marriage Act filed by respondent No.2 and her husband-petitioner

No.1 has since been allowed on 04.01.2018. The entire settled amount, it is clearly mentioned in the said judgment has been received by respondent No.2.

Pursuant to order dated 19.09.2017, the parties appeared before the learned Sub Divisional Judicial Magistrate, Khadur Sahib and their statements were recorded on 23.10.2017. Respondent No.2 stated that she has amicably resolved the matter with all the accused petitioners out of her own free will, without any kind of pressure or coercion. Joint statement of the petitioners in respect of the settlement was recorded as well.

As per report dated 31.10.2017 received from the learned Sub Divisional Judicial Magistrate, Khadur Sahib, satisfaction is expressed that compromise between the parties is genuine, voluntary and has been arrived at without any pressure, undue influence or coercion. None of the accused-petitioners are reported to be proclaimed offenders.

Learned counsel for respondent No.2 states the terms and conditions of the settlement have been complied. It is further stated that petition under Section 13(B) of the Hindu Marriage Act has since been allowed on 04.01.2018. Respondent No.2 has no objection to the quashing of the aforesaid FIR.

Learned counsel for the State affirms and verifies the factum of settlement between the parties as well as passing of the judgment and decree dated 04.01.2018 in the proceedings under Section 13(B) of the Hindu Marriage Act. It is submitted 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.68 dated 09.06.2017 under Sections 498-A, 406 IPC registered at Police Station Goindwal Sahib, District Tarn Taran along with all subsequent proceedings arising therefrom on the basis of compromise dated 28.06.2017 (Annexure P-2) arrived at between the parties are, hereby, quashed.

January 17, 2018

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**(LISA GILL)
JUDGE**

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