

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

Criminal Misc. No. M- 27921 of 2017(O&M)

Date of Decision: January 29 , 2018.

Hardeep Singh and others PETITIONER(s)

Versus

State of Punjab and another RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Lakhwinder Singh Mann, Advocate
for the petitioners.

Ms. Monika Jalota, DAG, Punjab.

None for respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.28 dated 30.04.2017 under Sections 498A/406 IPC, registered at Police Station Bassi Pathana, District Fatehgarh Sahib 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. The matter has been amicably settled between the parties before the Mediation and Conciliation Centre of this Court, the terms of which were reduced into writing on 18.07.2017 (Annexure P2).

It is informed that respondent No.2 and her husband, petitioner No.1

have resumed matrimonial ties and they are living together in the matrimonial home in peace and harmony. The petitioners undertake to abide by the terms and conditions of the settlement and afford due care and affection to respondent No.2 in the matrimonial home.

This Court on 04.10.2017 directed the parties to appear before learned Illaqa Magistrate for recording their statements in respect to the above-mentioned compromise. Learned Illaqa 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 Illaqa Magistrate was also directed to intimate whether any of the petitioners are absconding/proclaimed offenders 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 04.10.2017, the parties appeared before the learned Chief Judicial Magistrate, Fatehgarh Sahib and their statements were recorded on 27.10.2017. Respondent No.2 stated that the matter has been amicably resolved by her with all the accused petitioners and she is residing in the matrimonial home in peace and harmony. Respondent No.2 stated that she did not wish to pursue the matter any longer in view of the settlement arrived at between the parties and has no objection in case the abovesaid FIR against the accused petitioners is quashed. Joint statement of the petitioners in respect to the settlement was recorded as well.

As per report dated 27.10.2017 received from the learned Chief Judicial Magistrate, Fatehgarh Sahib, satisfaction is expressed that the compromise between the parties is genuine and voluntary, arrived at without any

coercion, duress or undue influence. None of the petitioners are reported to be proclaimed offenders. Statements of the parties are appended alongwith the said report.

Mr. Priyanshu Kamra, Advocate had appeared on behalf of respondent No.2 before this Court on 04.10.2017 (wrongly recorded as Ms. Simranjit Kaur) and affirmed the factum of settlement between the parties, pursuant to which the parties were directed to appear before the learned Area Magistrate to record their statements in respect to the compromise

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 the FIR in question as well as all consequential proceedings 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.28 dated 30.04.2017 under Sections 498A/406 IPC, registered at Police Station Bassi Pathana, District Fatehgarh Sahib 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 petitioners or it is found that the settlement was a mere ruse to have the aforesaid FIR quashed.

January 29 , 2018.
'om'

**(LISA GILL)
JUDGE**

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