

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

Crl. Misc. No. M-28446 of 2017 (O&M)

Date of Decision : March 27, 2018

Harpreet Singh and othersPetitioners

Versus

State of Punjab and another Respondents

CORAM : HON'BLE MRS. JUSTICE LISA GILL

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Present: Mr. Surinder Thakur, Advocate
for the petitioners.

Mr. Anmol Singh Sandhu, AAG, Punjab.

Mr. B.S.Jaswal, Advocate
for respondent No.2.

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LISA GILL, J. (Oral)

Prayer in this petition is for quashing of FIR No.165 dated 08.11.2016 under Sections 498-A, 406 IPC registered at Police Station Model Town, Hoshiarpur, along with all other consequential proceedings arising therefrom on the basis of compromise dated 29.08.2016 (Annexure P2) arrived at between the parties.

The above-said FIR was registered at the instance of respondent No.2 due to matrimonial discord with her husband i.e. petitioner No.1. The matter was amicably resolved. The terms and conditions of settlement were reduced into writing on 29.08.2016 (Annexure P-2).

It is informed that in the petition under Section 13-B of the Hindu Marriage Act, 1955 filed by petitioner No.1 and respondent No.2 their statements at first motion have been recorded. The parties it is

submitted undertake to abide by the terms and conditions of the settlement.

Pursuant to order dated 28.09.2017, the parties appeared before the learned Judicial Magistrate First Class, Hoshiarpur, and their statements were recorded on 12.10.2017. Respondent No.2 stated that the matter has been amicably resolved by her with all the accused-petitioners out of her own free will, without any fear or coercion. Respondent No.2 further stated that she has no objection to the quashing of the above-said FIR against all the petitioners. Separate statements of all the three petitioners in respect to the compromise were also recorded.

As per report dated 17.11.2017 received from the learned Judicial Magistrate First Class, Hoshiarpur, satisfaction is expressed that the compromise between the parties is genuine, voluntarily arrived at out of their own free will, without any fear or coercion. None of the petitioners is reported to be a proclaimed offender. Statements of the parties are appended along with 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 above-mentioned FIR against all the petitioners subject to strict adherence of the terms and conditions of the compromise by the petitioners.

Learned counsel for the State has not raised any serious objection to the quashing of the aforesaid 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. 165 dated 08.11.2016 under Sections 498-A, 406 IPC registered at Police Station Model Town, Hoshiarpur, along with 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 petitioner(s) or it is found that the settlement was a mere ruse to have the aforesaid FIR quashed.

(LISA GILL)
JUDGE

27.03.2018
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Note: Whether speaking/reasoned
Whether Reportable:

Yes / No
Yes / No