

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

Criminal Misc. No. M- 29314 of 2017(O&M)

Date of Decision: February 08 , 2018.

Gurbir Singh

..... PETITIONER(s)

Versus

State of Punjab and another

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Tarundeep Kumar, Advocate
for the petitioners.

Ms. Seena Mand, DAG, Punjab.

Mr. Vivek Sharma Bhanot, Advocate
for the complainant/respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.52 dated 06.10.2016 under Sections 498A/406 IPC, registered at Police Station Women, Amritsar 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., the petitioner. With the intervention of respectables and relatives, a compromise was arrived at between the parties, the terms of which were reduced into writing on 14.12.2016 (Annexure P2). It is informed that the petitioner and respondent No.2 have

resumed matrimonial ties and are living together at the matrimonial home.

This Court on 02.12.2017 directed the parties to appear before learned trial court/Illaqa Magistrate for recording their statements in respect to the above-mentioned compromise. Learned trial court/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 trial court/Illaqa Magistrate was also directed to intimate whether the petitioner 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 02.12.2017, the parties appeared before the learned Chief Judicial Magistrate, Amritsar and their statements were recorded on 19.12.2017. Respondent No.2 stated that she has compromised the matter with the accused petitioner out of her own free will, without any pressure or coercion. Respondent No.2 stated that she has no objection in case the abovesaid FIR against the accused petitioner is quashed. Statement of the petitioner in respect to the settlement was recorded as well. Statement of ASI Kashmir Singh was recorded on 18.01.2018.

As per report dated 19.01.2018 received from the learned Chief Judicial Magistrate, Amritsar, it is opined that the compromise between the parties is bonafide and genuine, arrived at without any pressure upon the parties. The petitioner 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 reiterated that respondent No.2 has no objection to the quashing of the abovementioned FIR, subject to strict adherence by the petitioner to the terms and conditions of the settlement.

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. 52 dated 06.10.2016 under Sections 498A/406 IPC, registered at Police Station Women, Amritsar 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 petitioner or it is found that the settlement was a mere ruse to have the aforesaid FIR quashed.

February 08 , 2018.
'om'

(LISA GILL)
JUDGE

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