

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

261

**Criminal Misc. No. M-31015-2017
Date of Decision: May 01, 2018.**

AJAY SINGH

..... PETITIONER

Versus

UT OF CHANDIGARH AND ANR

..... RESPONDENTS

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Vipul Sachdeva, Advocate,
for the petitioner.

Mr. Amit Kumar Goyal, APP, UT Chandigarh.

Ms. Amanpreet Kaur, Advocate for
Mr. Mandeep Singh Sachdev, Advocate
for the complainant/respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.353 dated 11.11.2014 under Sections 406/498-A IPC registered at Police Station Sector 31, Chandigarh 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. Settlement/Agreement dated 13.01.2017 was arrived at between the parties before the Mediation and Conciliation Centre of this Court.

Learned counsel for the petitioner and respondent No. 2 inform that FAO-M-342-2014 filed by the petitioner was converted to a petition under

Section 13-B of the Hindu Marriage Act, 1955 and the same has been allowed by a Division Bench of this Court on 26.02.2018. It is thus, prayed that this petition be allowed. Copy of decision dated 26.03.2018, filed in Court today, is taken on record subject to just exceptions.

This Court on 22.09.2017 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 22.09.2017, the parties appeared before the learned Judicial Magistrate First Class, Chandigarh and their statements were recorded on 27.10.2017. Respondent No.2 stated that she has amicably resolved the dispute with her husband-petitioner. Pendency of the petition filed under Section 13-B of the Hindu Marriage Act is mentioned. It is further stated that a sum of Rs. 13 lakhs out of total settled amount of Rs. 26 lakhs stood deposited before this Court. Respondent No. 2 stated that the compromise has been arrived at out of her own free will without any pressure, undue influence or coercion and 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.

As per report dated 30.10.2017 received from the learned Judicial Magistrate First Class, Chandigarh, satisfaction is expressed that the compromise between the parties is genuine and arrived out of their own free will without any coercion. 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 in case the abovementioned FIR is quashed against the petitioner.

Learned counsel for respondent No. 2 further verifies that the entire settled amount has since been received by respondent No. 2.

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.353 dated 11.11.2014

under Sections 406/498-A IPC registered at Police Station Sector 31, Chandigarh
alongwith all consequential proceedings are, hereby, quashed.

May 01, 2018
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(LISA GILL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No