

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

Criminal Misc. No. M- 31686 of 2017(O&M)

Date of Decision: January 18 , 2018.

Balwinder Singh and others PETITIONER(s)

Versus

State of Punjab and others RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Avtar Singh Khinda, Advocate
for the petitioners.

Ms. Monika Jalota, DAG, Punjab.

Mr. K.S.Sandhu, Advocate
for respondents No.2 and 3.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.29 dated 18.05.2016 under Sections 498A/307/149/120B IPC, registered at Police Station Talwandi Chaudharian, District Kapurthala and all other consequential proceedings arising therefrom on the basis of a compromise arrived at between the parties.

Learned counsel submit that the abovesaid FIR was registered at the instance of respondent No.2 due to matrimonial discord with her husband petitioner No.1 as well as discord between respondent No.3 and her husband Amrinder Singh (not a petitioner). It is submitted that respondent No.3 is the real sister of respondent No.2. She is married to real brother of petitioner No.1.

Husband of respondent No.3, it is stated, was abroad. With the intervention of

respectables and relatives, a compromise was arrived at between the parties, the terms of which were reduced into writing on 12.10.2017 (Annexure P2). It is informed that respondents No.2 and 3 are residing in peace and harmony with their respective husbands at their matrimonial homes and they do not wish to pursue the aforementioned FIR against the petitioners.

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 Sub Divisional Judicial Magistrate, Sultanpur Lodhi and their statements were recorded on 31.10.2017. Respondents No.2 and 3 stated that the matter has been amicably resolved with all the accused persons voluntarily without any pressure, threat or coercion. It is further stated that they have no objection in case the abovesaid FIR against the accused petitioners is quashed. Statements of the petitioners in respect to the settlement were recorded as well.

As per report dated 13.11.2017 received from the learned Sub Divisional Judicial Magistrate, Sultanpur Lodhi, it is opined that compromise between the parties is genuine and voluntary without any threat, pressure, coercion or undue influence on any of the parties. None of the petitioners are

reported to be proclaimed offenders. Statements of the parties are appended alongwith the said report.

Learned counsel for respondents No.2 and 3 reaffirms and verifies the factum of settlement between the parties. It is reiterated that respondents No.2 and 3 have no objection to the quashing of the abovementioned FIR against all the petitioners.

Learned counsel for the State, on instructions from HC Sarabjit Singh, 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.29 dated 18.05.2016 under Sections 498A/307/149/120B IPC, registered at Police Station Talwandi Chaudharian, District Kapurthala alongwith all consequential proceedings are, hereby, quashed qua the present petitioners.

However, liberty is afforded to respondents No.2 and 3 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 18 , 2018.
'om'

**(LISA GILL)
JUDGE**

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