

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

Criminal Misc. No. M- 33095 of 2017(O&M)

Date of Decision: February 08 , 2018.

Vivek Moudgil and another PETITIONER(s)

Versus

State of Punjab and another RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. R.K.Shukla, Advocate
for the petitioners.

Ms. Seena Mand, DAG, Punjab.

Mr. Sukhdeep Singh, Advocate for
Mr. ADS Sukhija, Advocate
for the complainant/respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.129 dated 27.12.2015 under Sections 498A/406 IPC registered at Police Station Malout 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 resolved between the parties before this Court during the pendency of proceedings in CRM No.M-6848 of 2016, the terms of which were reduced into writing on 11.07.2017 (Annexure P2).

Petitioner No.1 and respondent No.2 decided to part ways. It is informed that petition under Section 13B of the Hindu Marriage Act, 1955 filed by them has been allowed on 29.01.2018. The entire settled amount of ₹13,00,000/-, it is submitted, has been received by respondent No.2. It is thus prayed that this petition be allowed.

Photocopy of judgment and decree dated 29.01.2018 passed by the learned Additional District Judge, Patiala, produced in Court today, are taken on record subject to just exceptions.

This Court on 25.09.2017 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 25.09.2017, the parties appeared before the learned Sub Divisional Judicial Magistrate, Malout and their statements were recorded on 13.10.2017. Respondent No.2 stated that she compromised the matter with both the petitioners out of her own free will without any pressure or coercion. Pendency of the proceedings under Section 13B of the Hindu Marriage Act, 1955 is mentioned in her statement. Respondent No.2 stated that she has 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 07.11.2017 received from the learned Sub Divisional Judicial Magistrate, Malout, satisfaction is expressed that the compromise between the parties is voluntary, arrived at without any pressure, coercion or threat. None of the petitioners are reported to be proclaimed offenders. Statements of the parties are appended alongwith the said report.

Learned counsel for respondent No.2, on instructions from his client who is present in Court, reaffirms and verifies the factum of settlement between the parties. It is submitted that she has received the entire settled amount and reiterated that respondent No.2 has no objection to the quashing of the abovementioned FIR against the petitioners.

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.129 dated 27.12.2015 under Sections 498A/406 IPC registered at Police Station Malout alongwith all consequential proceedings are, hereby, quashed.

February 08 , 2018.
'om'

(LISA GILL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No