

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

**Criminal Misc. No. M- 33097 of 2017(O&M)**

**Date of Decision: February 08 , 2018.**

Vivek Moudgil

..... 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 petitioner.

Ms. Seena Mand, DAG, Punjab.

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

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**LISA GILL, J.**

Prayer in this petition is for quashing of FIR No.161 dated 27.05.2016 under Section 376B IPC registered at Police Station Tripuri, Patiala and all other consequential proceedings arising therefrom.

It is submitted that no offence punishable under Section 376B IPC is made out against the petitioner. Moreover, the matter has been amicably resolved between the petitioner and his wife – respondent No.2. It is noticed that on the basis of compromise between the parties, another FIR No.129 dated 27.12.2015, under Sections 498A/406 IPC, Police Station Malout has been quashed by this Court in CRM No.M-33095 of 2017 vide order of even date. It

is informed that petition under Section 13B of the Hindu Marriage Act, 1955 filed by the petitioner and respondent No.2 has since 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, is taken on record subject to just exceptions.

Respondent No.2, duly identified by her counsel, is present in Court. She affirms that the abovesaid FIR was registered due to matrimonial discord with the petitioner, but now the entire dispute has been amicably resolved and she no longer wishes to pursue the matter.

This Court on 25.09.2017 directed the parties to appear before learned trial court for recording their statements in respect to the above-mentioned compromise. Learned trial court 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 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 25.09.2017, the parties appeared before the learned Additional Sessions Judge, Patiala and their statements were recorded on 01.12.2017. Respondent No.2 stated that she compromised the matter with the accused petitioner out of her own free will without any fear, pressure or coercion

from any quarter. It is 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.

As per report dated 11.12.2017 received from the learned Additional Sessions Judge, Patiala, it is opined that the compromise between the parties is arrived at out of their free will without any fear, pressure or coercion from any quarter. It is duly noted therein that petition under Section 13B of the Hindu Marriage Act, 1955 has been filed by the parties. Respondent No.2 had received a sum of ₹9,00,000/- out of the total settled amount of ₹13,00,000/- at that time. Thereafter, respondent No.2 has received the balance amount. 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, on instructions from his client who is present in Court, reaffirms and verifies the factum of settlement between the parties. Respondent No.2 affirmed that she has received the entire settled amount and submits that she has no objection to the quashing of the abovementioned FIR against the petitioner.

Learned counsel for the State has raised no serious 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”.*

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.161 dated 27.05.2016 under Section 376B IPC registered at Police Station Tripuri, Patiala alongwith all consequential proceedings are, hereby, quashed.

February 08 , 2018.  
'om'

( LISA GILL )  
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No