

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

**CRM No.5439-40 of 2018 in/and
Criminal Misc. No. M- 3404 of 2016(O&M)**

Date of Decision: February 20 , 2018.

Gurjinder Singh

..... PETITIONER(s)

Versus

State of Punjab and another

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Nafees Ahmed, Advocate for
Mr. Suvir Sidhu, Advocate
for the petitioner.

Mr. Sukhbir Singh, AAG, Punjab.

Mr. B.S.Bajwa, Advocate
for the complainant/respondent No.2.

LISA GILL, J.

CRM No.5439 of 2018

Prayer in this application is for preponement of the hearing of main case from 30.04.2018.

It is submitted that petition under Section 13B of the Hindu Marriage Act, 1955 has since been allowed.

Notice of the application.

On the asking of the Court, Ms. Monika Jalota, Deputy Advocate General, Punjab accepts notice on behalf of respondent No.1-State.

CRM No.M-3404 of 2016(O&M)

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Mr. B.S.Bajwa, Advocate appears on behalf of respondent No.2.

Learned counsel for the respondents have raised no serious objection to the preponement of the hearing of the main petition.

Accordingly, the misc. application is allowed. With the consent of the parties, the matter is taken up for hearing today.

CRM No.5440 of 2018

Annexure P7 i.e., the judgment and decree dated 08.01.2018 passed by the learned Additional District Judge, Rupnagar is taken on record subject to just exceptions. Exemption from filing true typed copy thereof is granted.

Misc. application is disposed of.

CRM No.M-3404 of 2016

Prayer in this petition is for quashing of FIR No.53 dated 04.08.2015 under Sections 498A/406 IPC, registered at Police Station Fatehgarh Churian, District Batala and all other consequential proceedings arising therefrom.

It is submitted that the abovesaid FIR was registered at the instance of respondent No.2 due to matrimonial discord with her husband i.e., the petitioner. However, during the pendency of this petition, the matter was amicably resolved between the parties. The petitioner and respondent No.2 decided to part ways and petition under Section 13B of the Hindu Marriage Act, 1955 filed by them has been allowed on 08.01.2018 (Annexure P7). It is submitted that the entire settled amount due towards respondent No.2 has since been received by her. It is thus submitted that there is no impediment to the quashing of the aforesaid FIR. Respondent No.2 has no objection thereto.

This Court on 28.07.2017 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 party to the settlement.

Pursuant to order dated 28.07.2017, the parties appeared before the learned Judicial Magistrate First Class, Batala and their statements were recorded on 01.08.2017. Respondent No.2 stated that with the intervention of respectables of society and relatives, she has compromised the matter with the petitioner. The compromise, it is stated, has been arrived at out of her free will and consent without any coercion, undue influence or pressure from any quarter. It is mentioned that petition under Section 13B of the Hindu Marriage Act, 1955 was filed by her alongwith the petitioner and she no longer wishes to pursue the abovesaid FIR against the accused petitioner. It is further stated that she has no objection to permission being afforded to the petitioner for going abroad subject to his returning on 08.01.2018 for recording his statement at second motion in the petition under Section 13B of the Hindu Marriage Act, 1955. Statement of the petitioner in respect to the settlement was recorded as well.

As per report dated 05.08.2017 received from the learned Judicial Magistrate First Class, Batala, satisfaction is expressed that the compromise

between the parties is genuine and voluntary, arrived at without any undue influence, coercion or threat. Petitioner is not reported to be a proclaimed offender. It is mentioned that he is appearing regularly before the learned trial court. 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 and reiterated that respondent No.2 has no objection to the quashing of the abovementioned FIR against the petitioner. It is confirmed that the entire settled amount has been received by respondent No.2. Sum of ₹3,00,000/- deposited with the Registry of this Court has also been released to respondent No.2 on 01.02.2018.

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 in view of the compromise between the parties and FIR No. 53 dated 04.08.2015 under Sections 498A/406 IPC, registered at Police Station Fatehgarh Churian, District Batala alongwith all consequential proceedings are, hereby, quashed.

February 20 , 2018.
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**(LISA GILL)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No