

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

Criminal Misc. No.M- 33220 of 2017 (O&M)

Date of decision : February 14, 2018

Baljinder Singh and others

.....Petitioners

Versus

State of Punjab and another

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Surinder Thakur, Advocate for the petitioners.

Mr. Sukhleen Singh, AAG, Punjab

None for respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No. 120 dated 11.11.2012 under Sections 498A, 406 IPC registered at Police Station Sadar Hoshiarpur, District Hoshiarpur 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. Learned counsel for the petitioners submits that petition under Section 13B of the Hindu Marriage Act, 1955 filed by petitioner No. 1 and respondent No. 2 has since been allowed. The entire settled amount has been handed over to respondent No. 2. The present petition has been filed on the basis of this compromise.

This Court on 24.11.2017 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 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 24.11.2017, the parties appeared before the learned Additional Chief Judicial Magistrate, Hoshiarpur and their statements were recorded on 07.12.2017. Respondent No.2 stated that the matter has been amicably resolved between the parties before the Lok Adalat at Hoshiarpur. The settlement, it is stated, has been arrived at out of her own free will, without any pressure or coercion. Respondent No.2 stated that she has no objection to the quashing of the abovesaid FIR qua all the petitioners. Statements of the petitioners in respect to the compromise were also recorded.

As per report dated 17.12.2017 received from the learned Additional Chief Judicial Magistrate, Hoshiarpur, satisfaction is expressed that the compromise between the parties is genuine, valid, voluntary, arrived at out of free will of the parties, without any pressure, coercion or undue influence. None of the petitioners is reported to be a proclaimed offender. Statements of the parties are appended alongwith the said report.

On 24.11.2017, Mr. Jasraj Singh, Advocate had appeared on behalf of respondent No. 2. He had affirmed and verified the factum of settlement between the parties. It was submitted by learned counsel for respondent No. 2 that in view of the settlement, respondent No. 2 has no objection to the quashing of the aforesaid 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 this FIR 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. 120 dated 11.11.2012 under Sections 498A, 406 IPC registered at Police Station Sadar Hoshiarpur, District Hoshiarpur alongwith all consequential proceedings are, hereby, quashed.

February 14, 2018
rts

(Lisa Gill)
Judge

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