

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

Criminal Misc. No.M- 33633 of 2017 (O&M)

Date of decision : February 02, 2018

Sandeep Singh and others

.....Petitioners

Versus

State of Punjab and another

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Sarju Puri, Advocate
for the petitioners.

Ms. Monika Jalota, DAG, Punjab.

None for respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No. 27 dated 29.04.2017 under Sections 406, 498A IPC registered at Police Station Sadar Banga, District SBS Nagar alongwith consequential proceedings arising therefrom on the basis of compromise dated 06.09.2017 (Annexure P-4).

The abovesaid FIR was registered at the instance of respondent No.2 due to matrimonial discord with her husband i.e., petitioner No.1. It is submitted that respondent No. 2 and petitioner No. 1 have resumed matrimonial ties and both of them are living together in the matrimonial home alongwith their children. The parties wish to live in peace and harmony and put an end to the acrimony between them. The present petition has been filed on the basis of this compromise.

This Court on 31.10.2017 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 31.10.2017, the parties appeared before the learned Chief Judicial Magistrate, SBS Nagar and their statements were recorded on 24.11.2017. Respondent No.2 stated that she has amicably resolved the entire matter with the intervention of respectables and relatives. The compromise, it is stated, has been arrived at out of her own free will, without any kind of pressure. Respondent No.2 stated that she has no objection to the quashing of the abovesaid FIR qua the petitioners. Joint statement of the petitioners in respect to the compromise was also recorded.

As per report dated 14.12.2017 received from the learned Chief Judicial Magistrate, SBS Nagar, satisfaction is expressed that the compromise between the parties is genuine, arrived at out of free will of the parties and without any pressure. None of the petitioners is reported to be a proclaimed offender. Statements of the parties are appended alongwith the said report.

On 12.09.2017 and 31.10.2017, Mr. Jagatpal Singh Banwait, Advocate had appeared on behalf of respondent No.2 and affirmed the factum of settlement between the parties. It was also reiterated that respondent No.2 has no objection to the quashing of the abovementioned FIR against the petitioners.

Learned counsel for the State, on instructions from HC

Balwinder Singh, 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. 27 dated 29.04.2017 under Sections 406, 498A IPC registered at Police Station Sadar Banga, District SBS Nagar alongwith all consequential proceedings are, hereby, quashed.

However, liberty is afforded to respondent No.2 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 petitioner(s) or it is found that the settlement was a mere

ruse to have the aforesaid FIR quashed.

February 02, 2018
rts

(Lisa Gill)
Judge

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