

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

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**Criminal Misc. No. M-33935-2017
Date of Decision: May 08, 2018.**

PAWAN KUMAR

..... PETITIONER

Versus

STATE OF PUNJAB AND ANR

..... RESPONDENTS

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Arnav Sood, Advocate,
for the petitioner.

Ms. Ruchika Sabharwal, AAG, Punjab.

Mr. Shashank Sharma, Advocate
for the complainant/respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.122 dated 23.11.2012 under Sections 406/498-A IPC registered at Police Station Sadar, District Hoshiarpur and all other consequential proceedings arising therefrom on the basis of a compromise arrived at between the parties.

Learned counsel for the petitioner and respondent No. 2/complainant submit that petition under Section 13-B of the Hindu Marriage Act, 1955 filed by their respective clients has since been allowed. The entire settled amount has been received by respondent No. 2/complainant. It is, thus prayed that the above said FIR be quashed.

This Court on 31.10.2017 directed the parties to appear before learned trial court/Illaqa Magistrate for recording their statements in respect to

the above-mentioned compromise. Learned trial court/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 trial court/Illaqa Magistrate 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 31.10.2017, the parties appeared before the learned Additional Chief Judicial Magistrate, Hoshiarpur and their statements were recorded on 13.12.2017. Respondent No.2 stated that the matter has been amicably resolved with the petitioner, out of her own free will without any pressure or coercion. Details of the amount received by her in terms of the compromise is specifically detailed by her. Respondent No.2 further stated that she has no objection in case the abovesaid FIR against the petitioner is quashed. Statement of the petitioner in respect to the settlement was recorded as well.

As per report dated 19.12.2017 received from the learned Additional Chief Judicial Magistrate, Hoshiarpur, satisfaction is expressed that the compromise between the parties is genuine and voluntary, arrived at without any coercion or undue influence. 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 reaffirms and verifies the factum of settlement between the parties. It is reiterated that respondent No.2 has no objection in case the abovementioned FIR is quashed subject to the petitioner.

Learned counsel for the State, on instructions, 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.122 dated 23.11.2012 under Sections 406/498-A IPC registered at Police Station Sadar, District Hoshiarpur alongwith all consequential proceedings are, hereby, quashed.

May 08, 2018
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(LISA GILL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No