

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

Criminal Misc. No. M- 34214 of 2017(O&M)

Date of Decision: February 06 , 2018.

Harinder Singh

..... PETITIONER(s)

Versus

State of Punjab and another

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Aayush Gupta, Advocate
for the petitioner.

Mr. Jasdeep Singh Walia, Sr.DAG, Punjab.

Mr. Navmohit Singh, Advocate
for respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.83 dated 22.07.2016 under Sections 406/498A IPC, registered at Police Station Women, District Ludhiana 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 the petitioner. It is submitted that the matter has been amicably resolved between the parties before the Mediation and Conciliation Centre at Ludhiana, the terms of which were reduced into writing on 23.02.2017 (Annexure P2). The parties decided to part ways. 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 18.11.2017. The entire settled amount has been received by respondent No.2.

This Court on 26.10.2017 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 26.10.2017, the parties appeared before the learned Judicial Magistrate First Class, Ludhiana and their statements were recorded on 18.11.2017. Respondent No.2 stated that she has amicably resolved the dispute with the petitioner out of her own free will without any pressure or coercion. It is mentioned that petition under Section 13B of the Hindu Marriage Act, 1955 filed by the parties was pending for the same day i.e., 18.11.2017 for recording their statements at second motion. It is stated by respondent No.2 that all her claims qua the petitioner stood settled. Respondent No.2 further 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 08.12.2017 received from the learned Judicial Magistrate First Class, Ludhiana, satisfaction is expressed that the compromise

between the parties is genuine, arrived at without any pressure or coercion from any quarter. The petitioner, who is the sole accused, 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 to the quashing of the abovementioned FIR against the petitioner.

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 and FIR No.83 dated 22.07.2016 under Sections 406/498A IPC, registered at Police Station Women, District Ludhiana alongwith all consequential proceedings are, hereby, quashed.

February 06 , 2018.
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**(LISA GILL)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No