

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

**Crl. Misc. No. M-35172 of 2017
Date of Decision : March 09, 2018**

Richit Ummat and another.....Petitioners

Versus

U.T.Chandigarh and another Respondents

CORAM : HON'BLE MRS. JUSTICE LISA GILL

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Present: Mr. Gurpreet S. Bhasin, Advocate for
Mr. Gursher Singh Bhandal, Advocate
for the petitioners.

Mr. G.D.S.Wasu, Addl. P.P. U.T.

Mr. Vikas Garg, Advocate for
Mr. Vipul Sharma, Advocate
for respondent No.2.

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LISA GILL, J. (Oral)

Prayer in this petition is for quashing of FIR No.319 dated 11.08.2015 under Sections 406/498-A IPC registered at Police Station Sector 17, Chandigarh along with all other consequential proceedings arising therefrom on the basis of compromise (Annexure P2) arrived at between the parties.

It is submitted that petitioner No.1 and his wife-respondent No.2 have resumed cohabitation. They are living in their matrimonial home along with their two minor children. The petitioners undertake to offer all

due respect, affection and amenities to respondent No.2 and abide by the terms and conditions of the settlement (Annexure P2). It is, thus, prayed that this petition be allowed.

Pursuant to order dated 07.12.2017 the parties appeared before the learned Judicial Magistrate First Class, Chandigarh, and their statements were recorded on 10.01.2018. Respondent No.2 submitted that with the intervention of relatives and respectable persons she has resolved the dispute with both the petitioners as per the terms and conditions mentioned in the Compromise Deed dated 03.08.2017. It is stated that the compromise is genuine, voluntarily arrived at out of her own free will and she has no objection to the quashing of the above-said FIR against both the petitioners. Statements of the petitioners in respect to the settlement were also recorded.

As per report dated 10.01.2018 received from the learned Judicial Magistrate First Class, Chandigarh, satisfaction is expressed that the compromise between the parties is in order, arrived at out of the free will of the parties without any pressure, coercion or threat. None of the petitioners is reported to be a proclaimed offender. Statements of the parties are appended along with 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 above-mentioned FIR against both the petitioners subject to strict adherence to the terms and conditions of the compromise.

Learned counsel for the State, on instructions from ASI Kehar Singh, verifies that petitioner No.1 and respondent No.2 are living together in their matrimonial home with their minor children. No serious objection to the quashing of the aforesaid FIR on the basis of a settlement arrived at between the parties has been raised.

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 above-said 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. 319 dated 11.08.2015 under Sections 406/498-A IPC registered at Police Station Sector 17, Chandigarh along with 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 petitioners or it is found that the settlement was a mere ruse to have the aforesaid FIR quashed.

09.03.2018
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(LISA GILL)
JUDGE

Note: Whether speaking/reasoned
Whether Reportable:

Yes / No
Yes / No