

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

Criminal Misc. No.M- 35447 of 2017 (O&M)

Date of decision : April 18, 2018

Shinda Singh and others

.....Petitioners

Versus

State of Punjab and another

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Ashok Kumar Khunger, Advocate
for the petitioners.

Mr. Sukhleen Singh, AAG, Punjab

None for for respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No. 04 dated 24.01.2017 under Sections 498A, 406 IPC registered at Police Station Women Cell, Bathinda, District Bathinda and all other consequential proceedings arising therefrom on the basis of compromise dated 22.08.2017 (Annexure P-3) 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 Hindu Marriage Act, 1955 ('the Act' – for short) 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.

This Court on 13.10.2017 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 party to the settlement.

Pursuant to order dated 13.10.2017, the parties appeared before the learned Judicial Magistrate First Class, Bathinda and their statements were recorded on 22.11.2017. Respondent No.2 stated that the matter has been compromised by her with all the accused persons. She stated that their statements at first motion were recorded on 23.08.2017 in the petition under Section 13B of the Act. A sum of ₹2,60,000/- was handed over to her. An other sum of ₹3,00,000/- was still due which was to be paid to her at the time of recording of their statements at second motion. Petitions under Section 125 Cr.P.C. and Section 12 of the Protection of Women from Domestic Violence Act were withdrawn by her. Respondent No.2 stated that she has no objection to the quashing of the abovesaid FIR qua the petitioners. Statements of the petitioners in respect to the compromise were also recorded.

As per report dated 22.11.2017 received from the learned Judicial Magistrate First Class, Bathinda satisfaction is expressed that the compromise between the parties is genuine, arrived at out of free will of the parties, without any 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.

Mr. S.S. Sidhu, Advocate had appeared for respondent No.2

when the parties were directed to record their statements in regard to the settlement. He affirmed and verified the factum of settlement between the parties. It was also submitted that respondent No.2 has no objection to the quashing of the abovementioned 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. 04 dated 24.01.2017 under Sections 498A, 406 IPC registered at Police Station Women Cell, Bathinda, District Bathinda 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 were not adhered to by the petitioner(s) or the facts as narrated in the foregoing paras regarding the petition under Section 13B of the Act are not as per the factual position.

April 18, 2018
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No