

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

Criminal Misc. No. M- 3552 of 2017(O&M)

Date of Decision: April 24 , 2018.

Harvinder Singh and another

..... PETITIONER(s)

Versus

State of Punjab and another

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Prateek Pandit, Advocate
for the petitioners.

Mr. D.S.Sukarcharkia, DAG, Punjab.

Mr. Amit Kohar, Advocate
for the complainant/respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.144 dated 08.12.2012, under Sections 420/494/120B IPC, registered at Police Station Bhogpur, District Jalandhar 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 her husband i.e., petitioner No.1. With the intervention of respectables and relatives, a compromise was arrived at between the parties, the terms of which were reduced into writing on 04.01.2017 (Annexure P2). Petitioner No.1 and respondent No.2 decided to part ways.

Learned counsel for the petitioners and respondent No.2 submit that

petition under Section 13B of the Hindu Marriage Act, 1955 filed by petitioner No.1 and his wife, respondent No.2 has since been allowed on 29.01.2018. The entire settled amount has been remitted to respondent No.2.

Photocopy of the judgment and decree dated 29.01.2018 passed by the learned Additional District Judge, Jalandhar, furnished in Court today, is taken on record subject to just exceptions.

This Court on 17.05.2017 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 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 17.05.2017, the parties appeared before the learned Judicial Magistrate First Class, Jalandhar and their statements were recorded on 08.06.2017. Respondent No.2 stated that she has compromised the matter with both the accused petitioners out of her own free will and consent without any undue pressure from any quarter. Copy of the compromise was tendered as Ex.C2. It is specifically mentioned that she has received ₹5,00,000/- as part payment of the settled amount and a petition under Section 13B of the Hindu Marriage Act, 1955 would be filed. Respondent No.2 specifically stated

that she has no objection in case the abovesaid FIR against the accused petitioners is quashed. Statements of the petitioners in respect to the settlement were recorded as well.

As per report dated 14.07.2017 received from the learned Judicial Magistrate First Class, Jalandhar, satisfaction is expressed that the compromise between the parties is genuine, arrived at out of the free will of the parties without any pressure or coercion. None of the petitioners are reported to be proclaimed offenders. 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 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 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.144 dated 08.12.2012, under Sections 420/494/120B IPC, registered at Police Station Bhogpur, District Jalandhar alongwith all consequential proceedings are, hereby, quashed.

April 24 , 2018.
'om'

(LISA GILL)
JUDGE

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