

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

Criminal Misc. No. M- 36206 of 2017(O&M)

Date of Decision: April 16 , 2018.

Balwinder Singh @ Balwinder Singh Bajwa and others PETITIONER(s)

Versus

State of Punjab and another RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Abhijit Agnihotri, Advocate for
Mr. Dheeraj Mahajan, Advocate
for the petitioners.

Mr. Sukhbir Singh, AAG, Punjab.

None for respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.185 dated 21.12.2016 under Sections 498A/406 IPC, registered at Police Station Nangal, District Rupnagar 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 14.09.2017 (Annexure P2). Petitioner No.1 and respondent No.2 decided to part ways.

Learned counsel for the petitioners submits that petition under Section 13B of the Hindu Marriage Act, 1955 filed by petitioner No.1 and respondent No.2 has since been allowed on 30.03.2018. A total sum of ₹8,00,000/- has been handed over to respondent No.2 as full and final settlement of all her claims – past, present and future towards alimony, maintenance etc.

This Court on 13.12.2017 directed the parties to appear before learned trial court/Illaq Magistrate for recording their statements in respect to the above-mentioned compromise. Learned trial court/Illaq 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/Illaq 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 13.12.2017, the parties appeared before the learned Sub Divisional Judicial Magistrate, Sri Anandpur Sahib and their statements were recorded on 17.01.2018. Respondent No.2 stated that she has compromised the matter with all the accused petitioners out of her own free will without any undue influence or pressure from any quarter and she has no objection in case the abovesaid FIR against all of them is quashed. Joint statement of the petitioners in respect to the settlement was recorded as well.

As per report dated 20.01.2018 received from the learned Sub Divisional Judicial Magistrate, Sri Anandpur Sahib, satisfaction is expressed that

the compromise between the parties is genuine, arrived at voluntarily without any undue influence, pressure or coercion from any quarter. None of the petitioners are reported to be proclaimed offenders. Statements of the parties are appended alongwith the said report.

Mr. Karan Grover, Advocate had appeared before this Court on 13.12.2017 on behalf of respondent No.2. He affirmed and verified the factum of settlement between the parties, pursuant to which the parties were directed to appear before the learned trial court/Area Magistrate for recording their statements in respect to the compromise.

Learned counsel for the State, on instructions from ASI Sohan Singh, 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.185 dated 21.12.2016 under Sections 498A/406 IPC, registered at Police Station Nangal, District Rupnagar 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 are not adhered to by the petitioners or it is found that the settlement was a mere ruse to have the aforesaid FIR quashed.

April 16 , 2018.
'om'

(LISA GILL)
JUDGE

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