

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

CRM-M-36590 of 2017 (O&M)

Date of Decision:19.04.2018

Gurjeet Singh

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr.Vikram Anand, Advocate
the applicant-petitioner.

Mr. Sukhbeer Singh, AAG., Punjab.

Ms. Ameena Singh, Advocate
for Mr. Prateek Pandit, Advocate
for the complainant.

LISA GILL, J(Oral).

CRM-4528 of 2018.

Prayer is for impleading Kanta Devi @ Madhu Kaur wife of Balbir Singh, as petitioner no.2 being necessary party as she too is an accused in the FIR. Present petition has been filed for quashing of FIR No. 17 dated 24.02.2016 on the basis of a compromise.

It is submitted that her statement in respect to the settlement has also been recorded before the learned trial Court.

No serious objection has been raised to the impleadment of Kanta Devi @ Madhu Kaur wife of Balbir Singh in this petition.

Accordingly, application is allowed and Kanta Devi @

Madhu Kaur wife of Balbir Singh, is impleaded as petitioner no.2.

Amended memo of parties is taken on record subject to just exceptions.

CRM-M-36590 of 2017.

Prayer in this petition is for quashing of FIR No. 17 dated 24.02.2016, under Sections 406, 498-A IPC, registered at Police Station Women Cell, Jalandhar, District Jalandhar, along with all other consequential proceedings arising therefrom on the basis of a compromise deed dated 28.07.2017 (Annexure P-2) arrived at between the parties.

It is submitted that the above-said FIR was registered at the instance of respondent No.2 due to matrimonial discord with her husband-petitioner no.1. It is submitted that petition under Section 13-B of the Hindu Marriage Act, 1955, filed by the petitioner no.1 and respondent no.2 has since been allowed on 14.02.2018. The entire settled amount has since been handed over to respondent no.2. It is thus prayed that this petition be allowed.

This Court on 18.12.2017 directed the parties to appear before the learned trial court for recording of 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 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 18.12.2017 the parties appeared before the learned Judicial Magistrate Ist Class, Jalandhar, on 22.12.2017. Respondent No.2-Chandni Kakkar @ Yoshika @ Simrat Kaur, stated that though she has compromised the matter with both the petitioners i.e. Gurjeet Singh and Kanta Devi @ Madhu Kaur out of her own free will, without any coercion or threat and she has no objection in case the aforementioned FIR is quashed against both the petitioners. Statements of both the petitioners in respect to the settlement were recorded.

As per report dated 08.01.2018, received from the learned Judicial Magistrate Ist Class, Jalandhar, satisfaction is expressed that the compromise between the parties is genuine, voluntarily arrived at out of the free will of the parties, without any pressure or coercion. None of the petitioners are not reported to be proclaimed offenders.

Learned counsel for respondent No.2 affirms 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 the petitioners.

Learned counsel for the State, on instructions from ASI Ravi Kumar, has not raised any serious 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 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. 17 dated 24.02.2016, under Sections 406, 498-A IPC, registered at Police Station Women Cell, Jalandhar, District Jalandhar, along with all consequential proceedings are, hereby, quashed.

19.04.2018

s.khan

[LISA GILL]
Judge

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