

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

Criminal Misc. No.M- 3774 of 2018 (O&M)

Date of decision : April 24, 2018

Bhupinder Singh

.....Petitioner

Versus

State of Punjab and another

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Ritesh Pandey, Advocate
for the petitioner.

Mr. D.S. Sukarchakia, DAG, Punjab.

Mr. Manoj Sharma, Advocate
for respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No. 22 dated 13.02.2017 under Sections 406, 498A IPC registered at Police Station City Gurdaspur, District Gurdaspur and all other consequential proceedings arising therefrom on the basis of compromise dated 12.08.2017 (Annexure P-2) arrived at between the parties.

The abovesaid FIR was registered at the instance of respondent No.2 due to matrimonial discord with her husband - petitioner.

Learned counsel for the petitioner and respondent No. 2 submit that petition under Section 13B of Hindu Marriage Act, 1955 filed by the petitioner and respondent No. 2 has since been allowed on 12.03.2018. The entire settled amount has been received by respondent No. 2.

This Court on 30.01.2018 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 the petitioner is absconding/proclaimed offender and whether any other case is pending against him. Information was sought as to whether all affected persons are a party to the settlement.

Pursuant to order dated 30.01.2018, the parties appeared before the learned Chief Judicial Magistrate, Gurdaspur and their statements were recorded on 12.03.2018. Respondent No.2 stated that the matter has been compromised by her with all the accused persons out of her own free will and without any pressure. Respondent No.2 stated that she has no objection to the quashing of the abovesaid FIR qua the petitioner. Statement of the petitioner in respect to the compromise was also recorded.

As per report dated 22.03.2018 received from the learned Chief Judicial Magistrate, Gurdaspur satisfaction is expressed that the compromise between the parties is genuine, arrived at out of free will of the parties. The petitioner is not reported to be a proclaimed offender. 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 petitioner.

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. 22 dated 13.02.2017 under Sections 406, 498A IPC registered at Police Station City Gurdaspur, District Gurdaspur alongwith all consequential proceedings are, hereby, quashed.

April 24, 2018
rts

(Lisa Gill)
Judge

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