

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

Criminal Misc. No.M- 37042 of 2017 (O&M)

Date of decision : February 28, 2018

Lokesh Singh and others

.....Petitioners

Versus

State of Punjab and another

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. S.C. Chhabra, Advocate
for the petitioners.

Ms. Seena Mand, DAG, Punjab.

Mr. Satish Kumar, Advocate
for respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No. 61 dated 23.03.2017 under Sections 406/498A IPC registered at Police Station City Kharar, District Mohali and all other consequential proceedings arising therefrom on the basis of a compromise arrived at between the parties before the Mediation and Conciliation Centre of this Court on 07.09.2017.

The abovesaid FIR was registered at the instance of respondent No.2 due to matrimonial discord with her husband i.e., petitioner No.1. It is informed that petition under Section 13B of Hindu Marriage Act, 1955 filed by petitioner No. 1 and respondent No. 2 has since been allowed on 22.01.2018. The entire settled amount

has been received by respondent No. 2. It is, thus, prayed that this petition be allowed.

Judgment and decree dated 22.01.2018 produced in Court today is taken on record subject to just exceptions.

This Court on 15.11.2017 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 a party to the settlement.

Pursuant to order dated 15.11.2017, the parties appeared before the learned Sub Divisional Judicial Magistrate, Kharar and their statements were recorded on 29.11.2017. Respondent No.2 – complainant stated that she has compromised the matter with the accused persons out of her free will, without any coercion, inducement, threat or pressure. Respondent No.2 stated that she has no objection to the quashing of the abovesaid FIR alongwith all consequential proceedings arising therefrom qua the accused persons. Joint statement of the petitioners in respect to the compromise was also recorded. Statement of ASI Sikander Police Station City Kharar was recorded as well.

As per report dated 18.12.2017, received from the learned Sub Divisional Judicial Magistrate, Kharar satisfaction is expressed that the compromise between the parties is genuine, arrived at between the parties out of their own free will, without any threat, coercion or undue influence. None of the petitioners is reported to be a proclaimed persons. 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 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. 61 dated 23.03.2017 under Sections 406/498A IPC registered at Police Station City Kharar, District Mohali alongwith all consequential proceedings are, hereby, quashed.

February 28, 2018
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No