

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

Criminal Misc. No.M- 37209 of 2017 (O&M)

Date of decision : March 23, 2018

Rohit Gupta

.....Petitioner

Versus

State of Punjab and another

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Sandeep Sharma, Advocate for
Mr. Veneet Sharma, Advocate
for the petitioner.

Mr. Sukhleen Singh, AAG, Punjab

Mr. Umesh Aggarwal, Advocate
for respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No. 43 dated 13.08.2017 under Sections 406, 498A IPC registered at Police Station Women District Amritsar City, District Amritsar 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 - petitioner.

It is informed that petition under Section 13B of Hindu Marriage Act, 1955 filed by the petitioner and respondent No. 2 is pending for 04.04.2018 for recording of the statements of the parties at second motion. Part of the settled amount has been handed over to respondent No. 2. The petitioner undertakes to comply with the terms and conditions of the settlement in letter and spirit and further undertakes to hand over the

balance settled amount to the complainant – respondent No. 2 on 04.04.2018.

This Court on 04.10.2017 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 the petitioner is absconding/proclaimed offenders 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 04.10.2017, the parties appeared before the learned Chief Judicial Magistrate, Amritsar and their statements were recorded on 26.10.2017. Respondent No.2 stated that the matter has been compromised by her with all the accused persons out of her own free will, consent, without any pressure or coercion. Respondent No.2 stated that she has no objection to the quashing of the abovesaid FIR qua the petitioners. Statements of the petitioner as well as ASI Rajinder Singh in respect to the compromise were also recorded.

As per report dated 30.10.2017, received from the learned Chief Judicial Magistrate, Amritsar, satisfaction is expressed that the compromise between the parties is genuine, arrived at out of free will of the parties, without any coercion or undue influence. 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 petitioners subject to strict adherence to the terms and conditions of the settlement by 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. 43 dated 13.08.2017 under Sections 406, 498A IPC registered at Police Station Women District Amritsar City, District Amritsar 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 petitioner(s) or it is found that the settlement was a mere ruse to have the aforesaid FIR quashed.

March 23, 2018

(Lisa Gill)
Judge

rts

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No