

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

CRM-M-37901 of 2017(O&M)

Date of Decision:30.05.2018

Gurinderjit Singh

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr.A.S.Nirmaan, Advocate
the petitioner.

Ms. Ruchika Sabharwal, AAG., Punjab.

Mr. Nitin Sharma, Advocate
for Mr. Loveneet Thakur, Advocate
for respondent no.2.

LISA GILL, J(Oral).

Prayer in this petition is for quashing of FIR No.48 dated 10.12.2012, under Sections 406, 498-A IPC, registered at Police Station Women, District Patiala, along with all other consequential proceedings arising therefrom on the basis of a compromise (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. Learned counsel for the petitioner and respondent no.2 submit that petition under Section 13-B of the Hindu Marriage Act, 1955, has since been allowed in 25.04.2018. The entire settled amount has been received by respondent no.2, who has no objection to the quashing of the aforementioned FIR against the petitioner. It is thus prayed that this petition be allowed.

This Court on 30.10.2017 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 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 30.10.2017, the parties appeared before the learned Judicial Magistrate Ist Class, Patiala, on 13.11.2017 Respondent No.2 stated that she has compromised the matter with the petitioner out of her own free will, without any pressure or coercion and has no objection to the quashing of the aforementioned FIR against the petitioner. Statement of the petitioner in respect to the settlement was recorded.

As per report dated 13.11.2017, received from the learned Judicial Magistrate Ist Class, Patiala, 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. Petitioner is not reported to be a proclaimed offender.

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 petitioner.

Learned counsel for the State 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.48 dated 10.12.2012, under Sections 406, 498-A IPC, registered at Police Station Women, District Patiala, along with all consequential proceedings are, hereby, quashed.

30.05.2018
s.khan

[LISA GILL]
Judge

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