

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

Criminal Misc. No. M- 38088 of 2017(O&M)

Date of Decision: April 16 , 2018.

Harinder Singh and another

..... PETITIONER(s)

Versus

State of Punjab and another

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Manpreet Singh Longia, Advocate
for the petitioners.

Mr. Sukhbir Singh, AAG, Punjab.

Mr. J.S.Gill, Advocate
for respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.80 dated 20.07.2015 under Sections 498A/406/377 IPC, registered at Police Station Sadar Rupnagar, Tehsil and District Roopnagar 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 i.e., petitioner No.1. Learned counsel for the petitioners submits that the abovementioned FIR was initially registered against three persons i.e., both the petitioners and one Kesar Singh i.e., father and husband of petitioners No.1 and 2, respectively. He has since passed

away. With the intervention of respectables and relatives, a compromise was arrived at between the parties. Petitioner No.1 and respondent No.2 decided to part ways.

Learned counsel for the petitioners and respondent No.2 submit that petition under Section 13B of the Hindu Marriage Act, 1955 filed by petitioner No.1 and respondent No.2 has since been allowed on 05.03.2018.

Copy of judgment and decree dated 05.03.2018 passed by the learned District Judge, Rupnagar, furnished in Court today, is taken on record subject to just exceptions.

This Court on 10.10.2017 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 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 10.10.2017, the parties appeared before the learned Judicial Magistrate First Class, Rupnagar and their statements were recorded on 31.10.2017. Respondent No.2 stated that she has compromised the matter with both the accused petitioners out of her own free will without any undue influence or coercion and has no objection in case the abovesaid FIR

against the accused petitioners is quashed. Joint statement of the petitioners in respect to the settlement was recorded as well.

As per report dated 06.11.2017 received from the learned Judicial Magistrate First Class, Rupnagar, satisfaction is expressed that the compromise between the parties is genuine and voluntary, arrived at between them without any undue influence or coercion. None of the petitioners are reported to be proclaimed offenders. 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 the FIR in question as well as all consequential proceedings 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.80 dated 20.07.2015 under Sections 498A/406/377 IPC, registered at Police Station Sadar Rupnagar, Tehsil and District Roopnagar alongwith all consequential proceedings are, hereby, quashed.

April 16 , 2018.
'om'

(LISA GILL)
JUDGE

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