

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

**Crl. Misc. No. M-38521 of 2017
Date of Decision : March 23, 2018**

Sushil Kumr @ Mahinder Kumar and anotherPetitioners

Versus

State of Punjab and anotherRespondents

CORAM : HON'BLE MRS. JUSTICE LISA GILL

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Present: Mr. J.S.Bhinder, Advocate
for the petitioners.

Mr. Anmol Singh Sandhu, AAG, Punjab.

Ms. Sheetal Vaishnav, Advocate for
Mr. Sukhmeet Singh, Advocate
for respondent No.2.

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LISA GILL, J. (Oral)

Prayer in this petition is for quashing of FIR No. 269 dated 29.07.2016 under Sections 498-A/406 IPC registered at Police Station City Sangrur along with all other consequential proceedings arising therefrom on the basis of compromise dated 19.09.2017 (Annexure P2) arrived at between the parties.

The above-said FIR was registered at the instance of respondent No.2 due to matrimonial discord with her husband i.e. petitioner No.1. The matter was amicably resolved. The terms and conditions of settlement were reduced into writing on 19.09.2017 (Annexure P-2).

It is informed that petition under Section 13-B of the Hindu Marriage Act, 1955 filed by petitioner No.1 and respondent No.2 has since been allowed on 22.02.2018. The entire settled amount has been handed

over to respondent No.2.

Pursuant to order dated 12.10.2017 the parties appeared before the learned Judicial Magistrate First Class, Sangrur, and their statements were recorded on 07.11.2017. Respondent No.2 stated that she has compromised the matter with both the accused-petitioners out of her own free will, without any coercion or pressure and she has no objection to the quashing of the above-said FIR against both the petitioners. Joint statement of the petitioners in respect to the compromise was also recorded.

As per report dated 07.11.2017 received from the learned Judicial Magistrate First Class, Sangrur, satisfaction is expressed that the settlement between the parties is genuine, arrived at out of their own free will, without any pressure or coercion. None of the petitioners is reported to be a proclaimed offender. Statements of the parties are appended along with the said report.

Learned counsel for respondent No.2 reaffirms and verifies the factum of settlement between the parties as well as the fact that petition under Section 13-B of the Hindu Marriage Act, 1955 has since been allowed. The entire settled amount, it is stated, has been received by respondent No.2. It is reiterated that respondent No.2 has no objection to the quashing of the above-mentioned FIR against both the petitioners.

Learned counsel for the State has not raised any serious objection to the quashing of the aforesaid 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. 269 dated 29.07.2016 under Sections 498-A/406 IPC registered at Police Station City Sangrur along with all consequential proceedings are, hereby, quashed.

23.03.2018
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(LISA GILL)
JUDGE

Note: Whether speaking/reasoned
Whether Reportable:

Yes / No
Yes / No