

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

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**Criminal Misc. No. M-39706-2017 (O&M)
Date of Decision: May 25, 2018.**

Jagtar Singh and ors.

..... PETITIONERS

Versus

State of Punjab and anr.

..... RESPONDENTS

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. B.S. Baath, Advocate, for the petitioners.

Ms. Ruchika Sabharwal, AAG, Punjab.

Mr. Sandeep Godara, Advocate for
Mr. APS Rehan, Advocate,
for respondent No. 2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.0126 dated 17.07.2017 under Sections 406, 498A, 120B of the Indian Penal Code ('IPC' for short) (offence under Section 313 IPC, was added subsequently) registered at Police Station City Gurdaspur, District Gurdaspur, and all other consequential proceedings arising therefrom on the basis of a compromise arrived at between the parties.

It is submitted that the abovesaid FIR was registered at the instance of respondent No.2 due to matrimonial discord with her husband i.e., petitioner No. 3. It is contended that offence punishable under Section 313 Cr.P.C.was wrongly added.

Learned counsel for the petitioners and respondent No. 2 submit that

the matter has been amicably resolved between the parties and petition under Section 13-B of the Hindu Marriage Act, 1955 filed by petitioner No. 3 and respondent No. 2 has since been allowed on 08.05.2018. The entire settled amount has been received by respondent No. 2/complainant. It is thus, prayed that this petition be allowed.

This Court on 13.12.2017 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 petitioners 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 13.12.2017, the parties appeared before the learned Chief Judicial Magistrate, Gurdaspur and their statements were recorded on 10.01.2018. Respondent No.2 stated that the matter has been amicably resolved with the petitioners, arrived at out of her own free will without any pressure, coercion or undue influence. It is stated by respondent No. 2 that she had received a demand draft bearing No. 667385 dated 09.01.2018 amounting to Rs. 10 lakhs. Statements of the parties in respect to the settlement were recorded as well. Statements of petitioners No. 3 and 4 were recorded through their Special Power of Attorney holder-Jagtar Singh i.e. their father, who is also arrayed as petitioner No. 1 in this petition.

As per report dated 17.01.2018 received from the learned Chief Judicial Magistrate, Gurdaspur, satisfaction is expressed that the compromise between the parties is genuine and arrived out of their own free will without any pressure, threat or coercion. Statements of the parties are appended alongwith the said report. None of the accused/petitioners are reported to be proclaimed offenders.

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 in case the abovementioned FIR is quashed against the accused/petitioners.

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.0126 dated 17.07.2017 under Sections 406, 498A, 120B of IPC and (offence under Section 313 IPC, was added subsequently) registered at Police Station City Gurdaspur, District Gurdaspur, alongwith all consequential proceedings are, hereby, quashed.

May 25, 2018
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(LISA GILL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No