

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

CRM-M-39772 of 2017(O&M)

Date of Decision:01.05.2018

Karan Ohri and another

..... Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr.Naveen Batra, Advocate
the petitioners.

Ms. Ruchika Sabharwal, AAG., Punjab.

Ms. Rajni Maurya, Advocate
for respondent no.2.

LISA GILL, J(Oral).

Prayer in this petition is for quashing of FIR No.220 dated 13.09.2014, under Sections 406, 498-A, 34 IPC, registered at Police Station Kotwali Faridkot, District Faridkot, along with all other consequential proceedings arising therefrom on the basis of a compromise dated 20.10.2017 (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 no.1. Learned counsel for the petitioners and respondent no.2 submit that respondent no.2 and her husband-petitioner no.1 have resumed matrimonial ties. They are living together in the matrimonial home along with their child and petitioner

no.2. Respondent no.2, it is submitted does not wish to proceed against the petitioners. It is thus prayed that this petition be allowed.

This Court on 25.10.2017 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 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 25.10.2018, the parties appeared before the learned Judicial Magistrate Ist Class, Faridkot, on 09.12.2017. Respondent No.2 stated that she has compromised the matter with both the accused-petitioners out of her own free will, without any coercion, threat or pressure. Respondent no.2 specifically stated that she is living together with her husband and mother-in-law in peace and harmony and has no objection in case the abovesaid FIR against both the petitioners is quashed. Joint statement of both the petitioners in respect to the settlement was recorded.

As per report dated 13.12.2017, received from the learned Judicial Magistrate Ist Class, Faridkot, 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. Petitioners are not reported to be proclaimed

offenders.

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 all the petitioners.

Learned counsel for the State, on instructions from HC Nachattar Singh, verifies that petitioner no.1 and respondent no.2 are living together and 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.220 dated 13.09.2014, under Sections 406, 498-A, 34 IPC, registered at Police Station Kotwali Faridkot, District Faridkot, along with 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.

01.05.2018
s.khan

[LISA GILL]
Judge

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