

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

Criminal Misc. No. M- 39777 of 2017 (O&M)

Date of decision : June 01, 2018

Manjot Singh and others

.....Petitioners

Versus

State of Punjab and another

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. H.P.S. Ghuman, Advocate
for the petitioners.

Mr. D.S. Sukarchakia, DAG, Punjab.

Mr. Rohan Sharma, Advocate
for respondent No.2.

LISA GILL, J.

CRM-20260-2018

Prayer in the application is for preponement of the date of hearing of the case.

Report of the learned trial Court in respect to the compromise between the parties, it is submitted, has been attached with this file.

Notice of the application.

Mr. Rohan Sharma, Advocate, appears on behalf of respondent No. 2.

On the asking of the Court, Mr. D.S. Sukarchakia, DAG, Punjab, accepts notice on behalf of respondent No.1-State. Advance copies of the application have already been supplied. Another copy of the application is supplied to learned counsel for the State. No objection has been raised by learned counsel for the respondents to the preponment to the hearing of this case from 09.08.2018.

Accordingly, hearing of the matter is preponed from 09.08.2018 for today itself.

Application is disposed of.

Criminal Misc. No. M- 39777 of 2017 (O&M)

Present petition has been filed for quashing of FIR No. 65 dated 04.07.2017 under Sections 406, 498A IPC registered at Police Station Women Patiala, District Patiala and all other consequential proceedings arising therefrom on the basis of the compromise dated 03.08.2017 (Annexure P-2).

The abovesaid FIR was registered at the instance of respondent No.2 due to matrimonial discord with her husband i.e., petitioner No.1.

It is informed that petition under Section 13B of Hindu Marriage Act, 1955 filed by petitioner No. 1 and respondent No. 2 has since been allowed. Respondent No. 2 has received the entire settled amount in terms of the agreement/settlement and has no objection to the quashing of the aforesaid FIR.

This Court on 22.02.2018 directed the parties to appear before learned trial court/Illaq Magistrate for recording their statements in respect to the above-mentioned compromise. Learned trial court/Illaq 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/Illaq 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 22.02.2018, the parties appeared before the learned Judicial Magistrate First Class, Patiala and their statements were recorded on 12.03.2018. Respondent No.2 stated that the matter has been compromised by her with all the accused persons out of her own free will, without any pressure, threat or coercion. Respondent No.2 stated that she has no objection to the quashing of the abovesaid FIR qua all the petitioners. Joint statement of all the petitioners in respect to the compromise was also recorded. Statement of HC Manjinder Singh was recorded to the effect that none of the petitioners are proclaimed offenders.

As per report dated 16.03.2018 received from the learned Judicial Magistrate First Class, Patiala satisfaction is expressed that the compromise between the parties is genuine, arrived at out of free will of the parties, without any threat or pressure. None of the petitioners is reported to be a proclaimed offender. 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 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 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. 65 dated 04.07.2017 under Sections 406, 498A IPC registered at Police Station Women Patiala, District Patiala alongwith all consequential proceedings are, hereby, quashed.

June 01, 2018
rts

(Lisa Gill)
Judge

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