

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

Criminal Misc. No. M- 4043 of 2017(O&M)

Date of Decision: February 05 , 2018.

Amanpreet Singh and others PETITIONER(s)

Versus

State of Punjab and another RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Karan Vir Nanda, Advocate
for the petitioners.

Mr. H.S.Grewal, Addl.AG, Punjab.

Mr. Deepak Sharma, Advocate
for the complainant/respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.0172 dated 19.09.2015 under Sections 498A/120B IPC, registered at Police Station Mataur, District SAS Nagar 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. With the intervention of respectables and relatives, a compromise was arrived at between the parties, the terms of which were reduced into writing on 02.12.2016 (Annexure P2). It is submitted that petitioner No.1 and respondent No.2 have

parted ways. Petition under Section 13B of the Hindu Marriage Act, 1955 has since been allowed. The entire settled amount has been received by respondent No.2.

This Court on 08.02.2017 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 validity or otherwise of the compromise.

Pursuant to order dated 08.02.2017, the parties appeared before the learned Judicial Magistrate First Class, SAS Nagar (Mohali) and their statements were recorded on 04.03.2017. Respondent No.2 stated that the matter has been compromised by her with all the accused petitioners. Petition under Section 13B of the Hindu Marriage Act, 1955 is stated to have been filed at that stage. It is stated that she had already received a sum of ₹7,00,000/- and another sum of ₹7,00,000/- by way of demand draft bearing No.000162 dated 20.02.2017 drawn on HDFC Bank has been received by respondent No.2 on 04.03.2017. It is stated that the remaining amount of ₹6,00,000/- would be handed over to her at the time of recording of their statements at second motion on 18.07.2017. It is further stated that apart from the said amount, petitioner No.1 would pay five post-dated cheques amounting to ₹2,00,000/- each for the next five years as part-payment of permanent alimony, maintenance etc. Respondent No.2 stated that in view of the compromise (Ex.CA), she 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 30.05.2017 received from the learned Judicial

Magistrate First Class, SAS Nagar (Mohali), it is opined that the compromise between the parties is voluntary, arrived at out of the free will of the parties without any fear, force or pressure. 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 subject to the petitioners adhering to the terms and conditions of the settlement.

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. 0172 dated 19.09.2015 under Sections 498A/120B IPC, registered at Police Station Mataur, District SAS Nagar alongwith 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 petitioners or it is found that the settlement was a mere ruse to have the aforesaid FIR quashed.

February 05 , 2018.
'om'

(LISA GILL)
JUDGE

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