

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

Criminal Misc. No. M- 41432 of 2016(O&M)

Date of Decision: January 09 , 2018.

Sukhdev Singh and others

..... PETITIONER(s)

Versus

State of Punjab and another

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Ajay Singla, Advocate
for the petitioners.

Ms. Seena Mand, DAG, Punjab.

Mr. Sourabh Arora, Advocate for
Mr. Amit Dhawan, Advocate
for the complainant/respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.05 dated 09.05.2015 under Sections 406/420/498A/120B IPC, registered at Police Station NRI, District Jalandhar Rural 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.3. With the intervention of respectables and relatives, a compromise was arrived at between the parties, the terms of which were reduced into writing on 14.10.2016 (Annexure P2). Petitioner No.3 and respondent No.2 decided to part ways. It is

further decided between the parties that divorce shall be sought by petitioner No.3 and respondent No.2 in USA itself where both of them are presently residing. Learned counsel for the petitioners submits that a sum of ₹18,00,000/- has been handed over to respondent No.2 through Gurpreet Singh, her authorized power of attorney holder and brother.

This Court on 18.04.2017/09.08.2017 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 or undue influence. Learned trial court/Illaqa Magistrate was also directed to intimate the number of persons arrayed as accused and whether any accused is a proclaimed offenders.

Pursuant to orders dated 18.04.2017/09.08.2017, the parties appeared before the learned Judicial Magistrate First Class, Jalandhar and their statements were recorded on 29.08.2017. Gurpreet Singh, power of attorney holder and brother of respondent No.2 stated that the matter has been amicably resolved between the parties. It is specifically stated that a sum of ₹9,00,000/- out of the settled amount of ₹18,00,000/- was earlier given to his sister through a cheque which had been duly encashed. Balance amount of ₹9,00,000/- was handed over at the time of recording of their statements, vide Cheque bearing number 386762 dated 29.08.2017 in favour of his sister Sukhpreet Kaur. The original power of attorney executed by respondent No.2 in favour of her brother Gurpreet Singh was produced as Ex.C1. It is stated that the settlement has been

arrived at out of the free will of the parties, without any pressure or undue influence. It is further stated that there is no objection in case the abovesaid FIR against the accused petitioners is quashed. Joint statement of petitioners No.1 and 2 in respect to the settlement was recorded as well. It is noted that petitioner No.3 has executed a power of attorney in favour of his father petitioner No.1, who has duly recorded his statement in respect to the settlement. Details of the amount of ₹18,00,000/- handed over to respondent No.2 have been mentioned in the said statement.

As per report dated 15.09.2017 received from the learned Judicial Magistrate First Class, Jalandhar, satisfaction is expressed that the compromise between the parties is genuine, arrived at out of their free will without any pressure or coercion. It is mentioned that challan in this case has been presented against petitioners No.1 and 2 and supplementary challan against petitioner No.3 is yet to be submitted. Statements of the parties are appended alongwith the said report.

Learned counsel for respondent No.2 does not dispute the receipt of the entire settled amount. He reiterates the factum of settlement between the parties and submits that his client has no objection to the quashing of the abovementioned FIR against all 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 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.05 dated 09.05.2015 under Sections 406/420/498A/120B IPC, registered at Police Station NRI, District Jalandhar Rural alongwith all consequential proceedings are, hereby, quashed.

January 09 , 2018.
'om'

(LISA GILL)
JUDGE

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