

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

Criminal Misc. No. M- 40613 of 2017(O&M)

Date of Decision: March 01 , 2018.

Rakesh Suri

..... PETITIONER(s)

Versus

State of Punjab and another

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Nirmaljit Singh Diwana, Advocate
for the petitioner.

Ms. Seena Mand, DAG, Punjab.

Mr. Mohit, Advocate
for the complainant/respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.78 dated 05.09.2012 under Section 498A IPC (charge framed under Section 494 IPC), registered at Police Station Phase XI, Mohali, District SAS Nagar 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. Learned counsel for the petitioner submits that a petition under Section 125 Cr.P.C. was also filed by respondent No.2 and her daughter against the petitioner. The said petition was dismissed by the learned Chief

Judicial Magistrate, Mohali on 14.03.2017 while holding that respondent No.2 has not been able to prove her marriage with the present petitioner and her admission that her daughter was born out of the wedlock with her ex-husband has been noted. In this view of the fact, her petition under Section 125 Cr.P.C. was dismissed. It was observed by the learned Chief Judicial Magistrate, Mohali that the petitioner and respondent No.2 were in a live-in relationship. Learned counsel for the petitioner submits that the parties have agreed not to interfere in each other's life. Respondent No.2, it is submitted, has received a sum of ₹5,00,000/- as full and final settlement of all her claims – past, present and future which she may have against the petitioner.

This Court on 01.11.2017 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 the petitioner 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 01.11.2017, the parties appeared before the learned Judicial Magistrate First Class, SAS Nagar, Mohali and their statements were recorded on 15.11.2017. Respondent No.2 stated that she has amicably resolved the matter with the petitioner before the court at SAS Nagar, Mohali. It

is stated that a sum of ₹3,50,000/- had been received by her earlier and on 15.11.2017 she has received another sum of ₹1,50,000/- by way of three demand drafts. It is stated that all relations whatsoever between the petitioner and respondent No.2 had come to an end and she has no objection in case the abovesaid FIR against the accused petitioner is quashed. Statement of the petitioner in respect to the settlement was recorded as well.

As per report dated 21.11.2017 received from the learned Judicial Magistrate First Class, SAS Nagar, Mohali, it is opined that the compromise between the parties is genuine, arrived at without any kind of pressure or coercion. The petitioner is not 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 petitioner.

Learned counsel for the State has raised no serious 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”.

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. 78 dated 05.09.2012 under Section 498A IPC (charge framed under Section 494 IPC), registered at Police Station Phase XI, Mohali, District SAS Nagar alongwith all consequential proceedings are, hereby, quashed.

March 01 , 2018.
'om'

(LISA GILL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No