

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

Criminal Misc. No. M- 40777 of 2017(O&M)

Date of Decision: February 26 , 2018.

Hardeep Singh Gill and others

..... PETITIONER(s)

Versus

State of Punjab and another

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Munish Gulati, Advocate
for the petitioners.

Ms. Seena Mand, DAG, Punjab.

Mr. Kamal Narula, Advocate
for the complainant/respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.45 dated 22.05.2016 under Sections 498A/406/506/120B IPC and Section 3 of the Protection of Women from Domestic Violence Act, 2005, registered at Police Station Bajakhana, District Faridkot 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 due to matrimonial discord with her husband i.e., petitioner No.1. With the intervention of respectables, friends and relatives, a compromise was arrived at between the parties, the terms of which were reduced into writing on 21.08.2017 (Annexure P2). Petitioner No.1 and respondent No.2 decided to

part ways. It is submitted that petition under Section 13B of the Hindu Marriage Act, 1955 has been filed by petitioner No.1 and respondent No.2 and their statements at first motion have been recorded in the said proceedings. It is submitted that a sum of ₹13,00,000/- out of the total settled amount of ₹15,00,000/- has been handed over to respondent No.2. The petitioners undertake to hand over the balance amount of ₹2,00,000/- to respondent No.2 at the time of recording of statements of petitioner No.1 and respondent No.2 at second motion on 05.03.2018 in the abovesaid proceedings.

This Court on 31.10.2017 directed the parties to appear before learned trial court/Illaq Magistrate for recording their statements in respect to the above-mentioned compromise. Liberty was afforded to petitioners No.2 to 6 to record their statements through their power of attorney holder Hardeep Singh Gill i.e., petitioner No.1. 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 31.10.2017, the parties appeared before the learned Judicial Magistrate First Class, Faridkot and their statements were recorded on 15.11.2017. Respondent No.2 stated that she has compromised the matter with all the accused petitioners out of her own free will without any pressure or undue influence. Compromise deed was tendered as Ex.CX.

Respondent No.2 specifically stated that she has no objection in case the abovesaid FIR against all the accused petitioners is quashed. Statement of petitioner No.1 in respect to the settlement was recorded as well. Statements of petitioners No.2 to 6 were recorded through their authorised power of attorney holder i.e., petitioner No.1 in terms of liberty afforded by this Court in this respect.

As per report dated 24.11.2017 received from the learned Judicial Magistrate First Class, Faridkot satisfaction is expressed that the compromise between the parties is genuine, arrived at out of the free will of the parties without any pressure or coercion. None of the petitioners are reported to be proclaimed offenders. 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 submitted that respondent No.2 has no objection to the quashing of the abovementioned FIR against the petitioners subject to strict adherence to the terms and conditions of the settlement by the petitioners.

Learned counsel for the petitioners reiterates that all the petitioners undertake to abide by the terms and conditions of the settlement arrived at between the parties. Petitioners No.2 to 6 undertake to be bound by all acts and statements on their behalf by their power of attorney holder, petitioner No.1.

Learned counsel for the State has not raised any 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**

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. 45 dated 22.05.2016 under Sections 498A/406/506/120B IPC and Section 3 of the Protection of Women from Domestic Violence Act, 2005, registered at Police Station Bajakhana, District Faridkot 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.

(**LISA GILL**)
JUDGE

February 26 , 2018.
'om'

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