

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

Criminal Misc. No.M- 41809 of 2017 (O&M)

Date of decision : February 28, 2018

Avtar Singh and others

.....Petitioners

Versus

The State of Punjab and another

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Naveen Sharma, Advocate
for the petitioners.

Ms. Seena Mand, DAG, Punjab.

Mr. G.S. Dhillon, Advocate
for respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No. 1 dated 10.03.2016 under Sections 406/494/120B IPC (Section 498A IPC added later), registered at Police Station NRI Bathinda, District Bathinda and all other consequential proceedings arising therefrom on the basis of a compromise arrived at between the parties before the Mediation and Conciliation Centre of this Court on 26.09.2017/30.10.2017 (Annexure P-2).

It is submitted that the terms and conditions of the settlement have been carried out. Respondent No. 2 has agreed not to challenge the decree of divorce granted in favour of petitioner No. 1. Both the parties undertake to abide by the terms and conditions of the settlement.

This Court on 07.12.2017 directed the parties to appear before learned trial court for recording their statements in respect to the above-mentioned compromise. Learned trial court 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 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 07.12.2017, the parties appeared before the learned Judicial Magistrate First Class, Bathinda and their statements were recorded on 15.12.2017. Statement of respondent No. 2 – Rupinder Kaur was recorded through her power of attorney holder - Natha Singh – her father, who stated that the compromise between the parties is voluntary, genuine, without any coercion or undue influence. It is stated that the complainant does not wish to pursue the proceedings any longer and has no objection to the quashing of the abovesaid FIR qua the petitioners. Statements of the petitioners in respect to the compromise were also recorded.

As per report dated 20.12.2017 received from the learned Judicial Magistrate First Class, Bathinda, satisfaction is expressed that the compromise between the parties is genuine, arrived at out of free will of the parties, without any coercion or undue influence. 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 and she undertakes to be bound by all acts and statements on her behalf by her power of attorney holder- Natha Singh, who is her father.

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. 1 dated 10.03.2016 under Sections 406/494/120B IPC (Section 498 IPC added later), registered at Police Station NRI Bathinda, District Bathinda alongwith all consequential proceedings are, hereby, quashed.

February 28, 2018
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No