

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

Criminal Misc. No.M- 42664 of 2017 (O&M)

Date of decision : February 07, 2018

Gagan Kumar @ Cheeku Baba

.....Petitioner

Versus

State of Punjab and another

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Gursimran Singh Bawa, Advocate for the petitioner.

Mr. Jasdeep Singh Walia, Sr. DAG, Punjab.

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

LISA GILL, J.

Prayer in this petition is for quashing of FIR No. 90 dated 17.11.2015 under Section 498A IPC registered at Police Station Women Cell, Amritsar, District Amritsar 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 – petitioner. It is informed that petition under Section 13B of the Hindu Marriage Act, 1955 ('the Act' – for short) has since been allowed on 13.11.2017 and the settled amount has been received by respondent No. 2. The present petition has been filed on the basis of compromise dated 13.10.2017 (Annexure P-2).

This Court on 10.11.2017 directed the parties to appear before learned Illaqa Magistrate for recording their statements in respect to the above-mentioned compromise. Learned 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, fear or undue influence. Learned Illaqa 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 10.11.2017, the parties appeared before the learned Chief Judicial Magistrate, Amritsar and their statements were recorded on 14.12.2017. Respondent No.2 stated that with the intervention of respectables, she has compromised the matter with the accused petitioner. The settlement has been arrived at out of her own free will, without any pressure or coercion. Respondent No.2 stated that she has no objection to the quashing of the abovesaid FIR qua the petitioner. Statement of the petitioner in respect to the compromise was also recorded. Statement of HC Amrik Singh, Investigating Officer was recorded to the effect that the petitioner is the sole accused and is not reported to be a proclaimed offender.

As per report dated 05.01.2018 received from the learned Chief Judicial Magistrate, Amritsar satisfaction is expressed that the compromise between the parties is bona fide, genuine, arrived at without any pressure and 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 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. 90 dated 17.11.2015 under Section 498A IPC registered at Police Station Women Cell, Amritsar, District Amritsar alongwith all consequential proceedings are, hereby, quashed.

February 07, 2018
rts

(Lisa Gill)
Judge

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