

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

Date of Decision: May 22, 2018.

1. Criminal Misc. No. M-42683-2017(O&M)

Manpreet Singh and anr. PETITIONERS

Versus

State of Punjab and anr. RESPONDENTS

2. Criminal Misc. No. M-25879-2017(O&M)

Manpreet Singh and anr. PETITIONERS

Versus

State of Punjab and anr. RESPONDENTS

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. N.S. Dandiwal, Advocate
for the petitioners.

Ms. Ruchika Sabharwal, AAG, Punjab.

Mr. R.S. Sekhon, Advocate for
Mr. I.S. Dhaliwal, Advocate,
for the complainant/respondent No.2.

LISA GILL, J.

By this common order, the above referred two petitions i.e. Criminal

Misc. No.M-42683 of 2017 (Manpreet Singh and Anr. v. State of Punjab and Anr.), and Criminal Misc. No.M-25879 of 2017 (Manpreet Singh and Anr. v. State of Punjab and Anr.) are being disposed of. Facts for the sake of convenience are being extracted from Criminal Misc. No.M-42683 of 2017.

Prayer in CRM-M-42683-2017 is for quashing of FIR No.202 dated 09.12.2003 under Sections 498A/495/420/406 IPC, registered at Police Station Zira, District Ferozepur and all other consequential proceedings arising therefrom on the basis of a compromise arrived at between the parties. CRM-M-25879-2017 has been filed by the petitioners challenging order dated 24.05.2005 passed by the learned Sub Divisional Magistrate, Zira, declaring the petitioners proclaimed offender in FIR No. 202 dated 09.12.2003 under Sections 498-A, 495, 420, 406 IPC, registered at Police Station Zira, District Ferozepur.

Learned counsel for the petitioners submits that the petitioners left India in the year 2003 itself and did not come back to India till November 2017 when they were granted indulgence by this Court to appear before the learned trial Court/Area Magistrate. Petitioners duly appeared in deference to order dated 29.08.2017 in CRM-M-25879-2017. Therefore, both the petitions be allowed.

The abovesaid FIR was registered at the instance of respondent No.2 due to matrimonial discord between his sister-Daljit Kaur with her husband Gurpreet Singh-petitioner No.2. With the intervention of respectables and relatives, a compromise was arrived at between the parties. The parties decided to part ways and put an end to the acrimony between them. They wish to live in peace and harmony thereafter.

Learned counsel for the petitioners and respondent No. 2 submit that the matter has been amicably resolved between the parties. Divorce has been

granted to petitioner No. 2 and sister of respondent No. 2 in USA. Both of them have re-married as well.

This Court on 24.12.2017 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, fear or undue influence. Learned trial court/Illaqa 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 21.12.2017, the parties appeared before the learned Sub Divisional Judicial Magistrate, Zira and their statements were recorded on 06.12.2017. Respondent No.2 stated that the matter has been amicably resolved with all the accused/petitioners. His Sister/victim Daljit Kaur is now residing at New York in USA. Divorce by mutual consent was afforded to his sister and petitioner No. 2-Gurpreet Singh in USA itself. Respondent No.2 further stated that the matter has been amicably resolved with the petitioners, out of the free will of the parties without any pressure, coercion or undue influence and there is no objection in case the abovesaid FIR against the accused/petitioners is quashed. Joint statement of the petitioners in respect to the settlement was recorded as well.

As per report dated 14.12.2017 received from the learned Sub Divisional Judicial Magistrate, Zira, satisfaction is expressed that the compromise

between the parties is genuine and voluntary, arrived at without any fear, coercion or undue influence. Statements of the parties are appended along with the said report.

Learned counsel for respondent No.2 submits that the victim i.e. complainant's sister also has no objection to the quashing of the abovementioned FIR against the petitioners. Her affidavit dated 19.04.2018 sought to be placed on record as Annexure R2/3 along with CRM-18247-2018 is taken on record subject to just exceptions.

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.

Thus both petitions are allowed and FIR No.202 dated 09.12.2003 under Sections 498A/495/420/406 IPC, registered at Police Station Zira, District Ferozepur alongwith all consequential proceedings including order dated 24.05.2005 are, hereby, quashed.

May 22, 2018
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(LISA GILL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No