

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

Criminal Misc. No. M- 42748 of 2017(O&M)

Date of Decision: April 16 , 2018.

Vinod Bala Sood and others

..... PETITIONER(s)

Versus

State of Punjab and others

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Vaibhav Sehgal, Advocate
for the petitioners.

Mr. Sukhbir Singh, AAG, Punjab.

Mr. Amaninder Preet, Advocate
for respondents No.2 and 3.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.202 dated 11.11.2014 under Sections 498A/406/506 IPC (Section 420 IPC was added subsequently), registered at Police Station City South, District Moga and all other consequential proceedings arising therefrom on the basis of a compromise arrived at between the parties.

Learned counsel for the petitioners submits that the abovesaid FIR was registered at the instance of respondent No.2, the father of respondent No.3. Marriage between the complainant's daughter i.e. respondent No.3 and Balgobind (since deceased) was solemnized on 28.05.2013. Balgobind, husband of

respondent No.3 passed away on 26.09.2013. The present FIR was registered against the present petitioners and three others, namely, Vaishali Mohindra, Rajan Mohindra and Bhupinder Kumar Sood (father-in-law of respondent No.3). Bhupinder Kumar Sood, it is submitted, passed away and the abovesaid FIR against Rajan Mohindra and Vaishali Mohindra was quashed by this Court on 01.04.2018 in CRM No.M-16878 of 2015. With the intervention of respectables and relatives, a compromise was arrived at between the parties, the terms of which were reduced into writing on 29.09.2017 (Annexure P2). A sum of ₹14,00,000/- has been handed over to respondent No.3 as full and final settlement of all her claims – past, present and future qua alimony, maintenance etc. which she may have against the present petitioners or her deceased husband.

Learned counsel for respondents No.2 and 3 reiterates the factual position as above. It is submitted that respondents No.2 and 3 have no objection to the quashing of the abovementioned FIR against all the three petitioners.

This Court on 14.11.2017 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 14.11.2017, the parties appeared before the

learned Chief Judicial Magistrate, Moga and their statements were recorded on 22.03.2018. The complainant/respondent No.2 as well as respondent No.3 stated that they have compromised the matter with all the three petitioners out of their own free will and consent without any pressure, undue influence or coercion and have no objection in case the abovesaid FIR against the accused petitioners is quashed. It is specifically mentioned that the abovesaid FIR was quashed by this Court qua Rajan Mohindra and Vaishali Mohindra. It is submitted that respondents No.2 and 3 have accepted the said verdict. Statements of the petitioners in respect to the settlement were recorded as well.

As per report dated 28.03.2018 received from the learned Chief Judicial Magistrate, Moga, satisfaction is expressed that the compromise between the parties is genuine without any pressure or coercion. None of the petitioners are mentioned to be proclaimed offenders. Statements of the parties are appended alongwith the said report.

Learned counsel for the State, on instructions from ASI Jagsir Singh, 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.

This petition is, thus, allowed and FIR No.202 dated 11.11.2014 under Sections 498A/406/506/420 IPC, registered at Police Station City South, District Moga alongwith all consequential proceedings are, hereby, quashed.

April 16, 2018.
'om'

(LISA GILL)
JUDGE

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