

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

**CRM-M No.43743 of 2016 (O&M)
Date of Decision: January 12, 2018**

Gurshal Singh and others

..... Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Ajay Kumar Sharma, Advocate
for the petitioners.

Ms. Seena Mand, DAG, Punjab
for respondent No.1-State.

None for respondent No.2.

LISA GILL J. (ORAL)

Prayer in this petition is for quashing of FIR No.28 dated 15.03.2016 under Sections 498-A, 406 IPC registered at Police Station Women Police Station, District Patiala along with all subsequent proceedings arising therefrom on the basis of compromise dated 13.06.2016 (Annexure P-2).

It is submitted that the afore-mentioned FIR was registered at the instance of respondent No.2 due to matrimonial discord with her husband i.e., petitioner No.1. However, with the intervention of respectables, the matter has been amicably resolved. The terms and conditions of settlement were reduced into writing. Petition under Section 13(B) of the Hindu Marriage Act filed by petitioner No.1 and respondent No.2 has since been allowed on 06.01.2017 (Annexure P-6). The entire settled amount, it is clearly mentioned in the said judgment has been handed over to respondent No.2.

Respondent No.2 duly identified by HC Manjinder Singh appeared before this Court on 20.07.2017. Photocopy of her Aadhar Card was taken on record. Respondent No.2 stated that she has amicably resolved the dispute with all the accused-petitioners. Petition under Section 13(B) of the Hindu Marriage Act was allowed on 06.01.2017. She further stated that she has no objection to the quashing of the aforementioned FIR against all the accused petitioners. Parties were accordingly directed to appear before the Area Magistrate for recording of their statements in respect of the settlement.

Pursuant to order dated 20.7.2017, the parties appeared before the learned Judicial Magistrate Ist Class, Patiala and their statements were recorded on 11.08.2017. Respondent No.2 stated that she has amicably resolved the matter with all the accused petitioners out of her own free will, without any pressure, threat or coercion and she has no objection to the quashing of the aforementioned FIR against all the accused petitioners. Joint statement of the petitioners in respect of the settlement was recorded as well.

As per report dated 16.08.2017 received from the learned Judicial Magistrate Ist Class, Patiala, satisfaction is expressed that compromise between the parties is genuine and has been arrived at voluntarily, without any pressure, threat or coercion. None of the accused-petitioners are reported to be proclaimed offenders.

Learned counsel for the State affirms and verifies the factum of settlement between the parties as well as passing of the judgment and decree dated 06.01.2017 in the proceedings under Section 13(B) of the

Hindu Marriage Act. It is submitted 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.28 dated 15.03.2016 under Sections 498-A, 406 IPC registered at Police Station Women Police Station, District Patiala along with all consequential proceedings arising therefrom on the basis of compromise (Annexure P-2) 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 any of the facts as mentioned above are not correct in accordance with the record.

January 12, 2018

(LISA GILL)
JUDGE

rittu

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