

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

**Criminal Misc. No. M-43194-2014
Date of Decision: April 18, 2018.**

VIJAY KUMAR KAPOOR AND ORS. PETITIONER(s)

Versus

STATE OF PUNJAB AND ORS. RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Y.P. Kapur, Advocate and
Mr. B.P.S. Gill, Advocate,
for the petitioners.

Mr. Anmol Singh Sandhu, AAG, Punjab.

Mr. Yogesh Goel, Advocate
for the complainant/respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.70 dated 19.04.2014 registered under Sections 177, 199, 200, 420 and 120-B of the Indian Penal Code ('IPC' for short) at Police Station Division No. 5, Civil Lines, Ludhiana and all other consequential proceedings arising therefrom on the basis of a compromise arrived at between the parties.

It is submitted that above said FIR is fall out of matrimonial discord between Arun Kapoor son of petitioner No. 1 and the daughter of respondent No. 2 namely, Ritu Kapoor. In respect to the matrimonial acrimony, FIR No. 106 dated 18.10.2013 under Sections 406 and 498-A IPC was registered at Police

Station Division No. 5, Civil Lines, Ludhiana. The said matter was amicably resolved between the parties. Statements of the parties in respect to FIR No. 106 dated 18.10.2013 were recorded in Criminal Miscellaneous No. M-3989 of 2015, which was filed for quashing of the aforementioned FIR. It is submitted that Criminal Miscellaneous No. M-3989 of 2015 was allowed on 28.08.2017. The present matter has also been amicably resolved between the parties.

It is specifically submitted that respondent No. 2 as well as his daughter have no objection to quashing of the FIR in question against all the accused/petitioners. Allegations raised by respondent No. 2 are that petitioners No. 1 and 2 connived and conspired to have filed false sureties to obtain bail in the matrimonial case and they submitted false affidavits. The sureties were not known to the accused in the case and never had any relation with them. It is submitted that no case punishable under Sections 177, 199, 200 is otherwise made out against the petitioners as the FIR is sought to be registered at the instance of private person. Moreover, in view of the settlement of the matrimonial discord between the parties, no useful purpose would be served by continuance of the present proceedings.

Pursuant to order dated 22.02.2017, the parties appeared before the learned trial Court on 01.03.2017. Respondent No. 2 stated that his daughter was married with Arun Kapoor on 30.09.2009. FIR No. 106 dated 18.10.2013 was registered due to matrimonial discord between them. However, the same has thereafter been amicably resolved as continuance of the said FIR would have create bitterness between the parties. It is stated that his daughter-Ritu Kapoor has duly recorded her statement in the said case.

It is further stated that in view of the settlement arrived at between the parties, respondent No. 2 and his daughter have no objection to quashing of the aforementioned FIR No. 70 dated 19.04.2014 against all the accused/petitioners.

Separate statements of all the accused in respect to the settlement were recorded as well.

As per report dated 03.03.2017 received from the learned Judicial Magistrate First Class, Ludhiana, satisfaction is expressed that the compromise between the parties is genuine and is result of free will and volition of the parties and without any fear, apprehension, undue influence or coercion. 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 in case the abovementioned FIR is quashed subject to the petitioners strictly adhering to the terms and conditions of the settlement.

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”.

Keeping in view the peculiar facts and circumstances of the case as

well as the specific factum of the present FIR being a fallout of matrimonial discord between the son of petitioner No. 1 and respondent No. 2, it is considered just and expedient to allow this petition without delving on the issue of maintainability of a petition for quashing of an FIR for offences punishable under Sections 177, 199, 200 IPC on the basis of a compromise. In case proceedings are allowed to continue, it would amount to denial of complete justice to the parties who have buried the hatchet in order to maintain peace and harmony.

This petition is, thus, allowed and FIR No.70 dated 19.04.2014 under Sections 177,199,200,420 and 120-B IPC registered at Police Station Division No. 5, Civil Lines, Ludhiana alongwith all consequential proceedings are, hereby, quashed.

April 18, 2018
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(LISA GILL)
JUDGE

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