

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

Criminal Misc. No.M- 442 of 2018 (O&M)

Date of decision : May 23, 2018

Jagdish Lal and others

.....Petitioners

Versus

State of Punjab and another

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Avtar Singh Bhatti, Advocate
for the petitioners.

Ms. Ruchika Sabharwal, AAG, Punjab.

Mr. Ritesh Pandey, Advocate
for respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No. 0157 dated 06.07.2017 under Sections 406, 498A IPC registered at Police Station Adampur, District Jalandhar Rural and all other consequential proceedings arising therefrom on the basis of compromise dated 17.09.2017 (Annexure P-2) arrived at between the parties.

The abovesaid FIR was registered at the instance of respondent No.2 due to matrimonial discord with her husband i.e., petitioner No.1.

It is submitted that respondent No. 2 and petitioner No. 1 have resumed matrimonial ties and both of them are living together in the matrimonial home.

This Court on 21.03.2018 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.

Pursuant to order dated 21.03.2018, the parties appeared before the learned Judicial Magistrate First Class, Jalandhar and their statements were recorded on 18.04.2018. Respondent No.2 stated that the matter has been compromised by her with all the accused persons out of her own free will, consent and without any pressure from any quarter. Respondent No.2 stated that she has no objection to the quashing of the abovesaid FIR qua the petitioners. Statements of the petitioners in respect to the compromise were also recorded.

As per report dated 01.05.2018 received from the learned Judicial Magistrate First Class, Jalandhar satisfaction is expressed that the compromise between the parties is genuine, arrived at out of free will of the parties, without any threat, pressure or undue influence. 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 to the quashing of the abovementioned FIR against the petitioners.

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. 0157 dated 06.07.2017 under Sections 406, 498A IPC registered at Police Station Adampur, District Jalandhar Rural alongwith all consequential proceedings 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 the terms and conditions of settlement between the parties are not adhered to by the petitioner(s) or it is found that the settlement was a mere ruse to have the aforesaid FIR quashed.

May 23, 2018
rts

(Lisa Gill)
Judge

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