

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

Criminal Misc. No.M- 43574 of 2017 (O&M)

Date of decision : February 22, 2018

Jagsir Singh and others

.....Petitioners

Versus

State of Punjab and another

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Arshdeep Singh Brar, Advocate for the petitioner.

Ms. Seena Mand, DAG, Punjab.

Mr. A.S. Gill, Advocate for respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No. 9 dated 29.05.2013 under Sections 498A, 406 IPC registered at Police Station Women Cell, Jagraon and all other consequential proceedings arising therefrom on the basis of a compromise 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 informed that petition under Section 13B of the Hindu Marriage Act, 1955 has been filed by petitioner No. 1 and respondent No. 2. Their statements at first motion have been recorded and the matter is now listed for 18.05.2018 for recording of their statements at second motion. It is further submitted that the entire settled amount has been handed over to respondent No. 2. The parties undertake to abide by the terms and conditions of the settlement.

This Court on 16.11.2017 directed the parties to appear before learned trial court/Illaq Magistrate for recording their statements in respect

to the above-mentioned compromise. Learned trial court/Illaq 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/Illaq 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 16.11.2017, the parties appeared before the learned Judicial Magistrate First Class, Jagraon and their statements were recorded on 22.11.2017. Respondent No.2 stated that she has compromised the matter with the accused petitioners out of her own free will and without any kind of pressure. Photocopy of the compromise was tendered as Ex. P6. Respondent No.2 stated that she has no objection to the quashing of the abovesaid FIR qua the petitioners. A joint statement of the petitioners in respect to the compromise was also recorded.

As per report dated 21.12.2017 received from the learned Judicial Magistrate First Class, Jagraon satisfaction is expressed that the compromise between the parties is genuine, voluntary, arrived at out of free will of the parties, without any coercion 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 confirmed that the entire settled amount has been received by respondent No. 2. 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. 9 dated 29.05.2013 under Sections 498A, 406 IPC registered at Police Station Women Cell, Jagraon 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.

February 22, 2018
rts

(Lisa Gill)
Judge

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