

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

CRM-M-44270 of 2017 (O&M)

Date of Decision:28.02.2018

Mandeep Singh and others

..... Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Tarun Jhatta, Advocate
the petitioners.

Ms. Seena Mand, DAG., Punjab.

Mr. H.S.Sehgal, Advocate
for respondent no.2.

LISA GILL, J(Oral).

Prayer in this petition is for quashing of FIR No.158 dated 30.07.2017, under Sections 498-A, 316, 323, 148 IPC, registered at Police Station Dharamkot, District Moga, along with all other consequential proceedings arising therefrom on the basis of a compromise (Annexure P-2) arrived at between the parties.

Learned counsel for the petitioners and respondent no.2 submit that petition under Section 13-B of the Hindu Marriage Act, 1955, has been filed by respondent no.2 and her husband-petitioner no.1. Their statements at first motion have been recorded. Parties undertake to comply with the terms and conditions of the settlement. It is thus prayed that this petition be allowed.

This Court on 21.11.2017, directed the parties to appear

before the learned trial court for recording of 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 the petitioners are absconding/proclaimed offender 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 21.11.2017, the parties appeared before the learned Judicial Magistrate Ist Class, Moga, on 09.01.2018. Respondent No.2 stated that she has amicably resolved the matter with all the petitioners out of her own free will, without any threat, pressure or coercion and she has no objection in case the abvoesaid FIR against all the accused-petitioners is quashed. Statements of the petitioners were recorded in respect to the settlement were recorded.

As per report dated 17.01.2018, received from the learned Judicial Magistrate Ist Class, Moga, satisfaction is expressed that the compromise between the parties is genuine, voluntarily arrived at out of the free will of the parties, without any pressure, coercion or undue influence. Petitioners are not reported to be proclaimed offenders.

Learned counsel for respondent No.2 affirms and verifies the factum of settlement between the parties. It is reiterated that respondent No.2 has no objection to the quashing of the above-

mentioned FIR against the petitioners subject to the strict adherence by the petitioners to the terms and conditions of the settlement.

Learned counsel for the State has not raised any serious 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 above-said 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.158 dated 30.07.2017, under Sections 498-A, 316, 323, 148 IPC, registered at Police Station Dharamkot, District Moga, along with 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.

28.02.2018
s.khan

[LISA GILL]
Judge

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