

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

Criminal Misc. No.M- 44589 of 2017 (O&M)

Date of decision : February 19, 2018

Vikram Kanda and others

.....Petitioners

Versus

State of Punjab and another

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. G.S. Kaura, Advocate for the petitioners.

Mr. Sukhleen Singh, AAG, Punjab

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

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.0045 dated 17.08.2017 under Sections 406, 498A, 354A, 506, 120B IPC registered at Police Station Women Commissionrate Amritsar, District Amritsar and all other consequential proceedings arising therefrom on the basis of a compromise dated 27.10.2017 (Annexure P-6).

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 Hindu Marriage Act, 1955 filed by petitioner No. 1 and respondent No. 2 has since been allowed on 16.10.2017 (Annexure P-5). The entire settled amount has been received by respondent No. 2.

This Court on 27.11.2017 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 27.11.2017, the parties appeared before the learned Chief Judicial Magistrate, Amritsar and their statements were recorded on 12.12.2017. Respondent No.2 stated that she has compromised the matter with all the accused persons out of her own free will, consent, without any pressure or coercion. Respondent No.2 further stated that she has no objection to the quashing of the abovesaid FIR qua all the accused petitioners. Joint statement of the petitioners in respect to the compromise was also recorded. Statement of ASI Resham Singh, Police Station Women Amritsar was recorded as well to the effect that none of the petitioners are proclaimed offenders/persons.

As per report dated 05.01.2018, received from the learned Chief Judicial Magistrate, Amritsar, satisfaction is expressed that the compromise between the parties is bonafide, genuine, arrived at out of free will of the parties and without any pressure. 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.0045 dated 17.08.2017 under Sections 406, 498A, 354A, 506, 120B IPC registered at Police Station Women Commissionrate Amritsar, District Amritsar alongwith all consequential proceedings are, hereby, quashed.

(Lisa Gill)
Judge

February 19, 2018
rts

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