

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

Criminal Misc. No. M- 44687 of 2017 (O&M)

Date of decision : May 02, 2018

Robin Kumar and others

.....Petitioners

Versus

State of Punjab and another

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Monty Goyal, Advocate for the petitioners.

Mr. K.S. Aulakh, DAG, Punjab.

Mr. A.P. Kaushal, Advocate for respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No. 29 dated 17.03.2017 under Sections 406, 498A IPC registered at Police Station Women Cell, District Ludhiana and all other consequential proceedings arising therefrom on the basis of compromise dated 13.07.2017 (Annexure P-2) arrived at between the parties before the Mediation and Conciliation Centre of this Court.

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

Learned counsel for the petitioners and respondent No. 2 submit that petition under Section 13B of Hindu Marriage Act, 1955 filed by petitioner No. 1 and respondent No. 2 has since been allowed on 13.03.2018. All claims of respondent No. 2 qua the petitioners stand satisfied and she has no objection to the quashing of the aforementioned

FIR against the accused persons.

Photostat copy of judgment and decree dated 13.03.2018 furnished in Court today is taken on record subject to just exceptions.

This Court on 24.11.2017 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 24.11.2017, the parties appeared before the learned Judicial Magistrate First Class, Ludhiana and their statements were recorded on 30.11.2017. Respondent No.2 stated that the matter has been compromised by her with all the accused persons out of her own free will, without any pressure or coercion. Copy of the compromise was tendered as Ex. P1. 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 08.12.2017 received from the learned Judicial Magistrate First Class, Ludhiana satisfaction is expressed that the compromise between the parties is genuine, arrived at without any pressure or coercion from any corner. 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. 29 dated 17.03.2017

under Sections 406, 498A IPC registered at Police Station Women Cell,
District Ludhiana alongwith all consequential proceedings are, hereby,
quashed.

May 02, 2018
rts

(Lisa Gill)
Judge

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