

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

Criminal Misc. No.M- 45476 of 2017 (O&M)

Date of decision : February 02, 2018

Ranjit Singh

.....Petitioner

Versus

State of Punjab and another

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Ankush Thakral, Advocate
for the petitioner.

Ms. Monika Jalota, DAG, Punjab.

Mr. Gaurav Kalsi, Advocate for
Mr. H.S. Batth, Advocate
for respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No. 37 dated 03.05.2017 under Section 498A IPC registered at Police Station Ramdas, District Amritsar and all other consequential proceedings arising therefrom on the basis of a compromise arrived at between the parties before the Mediation and Conciliation Centre of this Court on 14.09.2017.

The abovesaid FIR was registered at the instance of respondent No.2 due to matrimonial discord with her husband – petitioner. It is submitted that petition under Section 13B of Hindu Marriage Act, 1955 has been filed. Statements of the parties at first motion have been recorded. Respondent No. 2 has received a sum of ₹2 lakhs out of the total settled amount of ₹3,50,000/-. The minor children are in the custody of the petitioner. It is agreed between the parties that respondent No.2 shall be

afforded visitation rights qua the minor children once in a month.

Affidavit dated 01.02.2018 of the petitioner – Ranjit Singh filed in Court today is taken on record subject to just exceptions.

This Court on 30.11.2017 directed the parties to appear before learned Illaqa Magistrate for recording their statements in respect to the above-mentioned compromise. Learned Illaqa 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 Illaqa Magistrate was also directed to intimate whether the petitioner is absconding/proclaimed offender and whether any other case is pending against him. Information was sought as to whether all affected persons are a party to the settlement.

Pursuant to order dated 30.11.2017, the parties appeared before the learned Judicial Magistrate First Class, Ajnala and their statements were recorded on 20.12.2017. Respondent No.2 stated that the matter has been amicably resolved by her with the accused petitioner out of her own free will, without any pressure and undue influence. Respondent No.2 stated that she has no objection to the quashing of the abovesaid FIR qua the petitioner. Statement of the petitioner in respect to the compromise was also recorded.

As per report dated 20.12.2017 received from the learned Judicial Magistrate First Class, Ajnala, satisfaction is expressed that the compromise between the parties is genuine, arrived at out of free will of the parties, without any kind of pressure and undue influence. The petitioner is not 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 petitioner.

Learned counsel for the State, on instructions from Zorawar Singh, 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. 37 dated 03.05.2017 under Section 498A IPC registered at Police Station Ramdas, District Amritsar 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 02, 2018
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No