

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

Criminal Misc. No.M- 45563 of 2017 (O&M)

Date of decision : May 22, 2018

Amit Kumar

.....Petitioner

Versus

State of Punjab and another

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Prashant Vashisth, Advocate for the petitioner.

Ms. Ruchika Sabharwal, AAG, Punjab.

None for respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No. 78 dated 03.07.2015 under Sections 406, 498A IPC registered at Police Station Women Cell, Ludhiana city 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 - petitioner.

It is informed that petition under Section 13B of Hindu Marriage Act, 1955 ('the Act' – for short) has been filed by the petitioner and respondent No. 2. Their statements at first motion have been recorded. Statements of the parties are to be recorded at second motion in the petition under Section 13B of the Act. The petitioner undertakes to carry out the terms and conditions of the settlement in letter and spirit.

This Court on 01.12.2017 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 voluntary and without any coercion or undue influence. Learned trial court/Illaq Magistrate was also directed to intimate whether any of the accused is proclaimed offender. Information was sought regarding the number of persons arrayed as accused in FIR.

Pursuant to order dated 01.12.2017, the parties appeared before the learned Judicial Magistrate First Class, Ludhiana and their statements were recorded on 16.12.2017. Respondent No.2 stated that the matter has been compromised by her with the petitioner out of her own free will, without any pressure or coercion. 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 16.12.2017 received from the learned Judicial Magistrate First Class, Ludhiana satisfaction is expressed that the compromise between the parties is genuine, arrived at out of free will of the parties, without any pressure and coercion from any corner. The petitioner, who is the sole accused, is not reported to be a proclaimed offender. Statements of the parties are appended alongwith the said report.

On 18.04.2018, Mr. V.K. Kaushal, Advocate had appeared on behalf of respondent No. 2 when CRM-11813-2018 was taken up for hearing. He had expressed no objection to the preponement of the hearing of case from 23.07.2018.

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. 78 dated 03.07.2015 under Sections 406, 498A IPC registered at Police Station Women Cell, Ludhiana city alongwith all consequential proceedings are, hereby, quashed.

However, liberty is afforded to respondent No.2 to file appropriate application in case the factual position as mentioned is not as per the record.

May 22, 2018
rts

(Lisa Gill)
Judge

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