

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

1. Criminal Misc. No.M- 5486 of 2016(O&M)

Date of Decision: May 02 , 2018.

Harnoor Singh Bhatia

..... PETITIONER(s)

Versus

State of Punjab and another

..... RESPONDENT (s)

2. Criminal Misc. No. M- 18332 of 2018(O&M).

Jaspal Singh Bhatia and another

..... PETITIONER(s)

Versus

State of Punjab and another

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. IPS Kohli, Advocate
for the petitioners.

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

Mr. Sarabjeet Singh, Advocate
for the complainant/respondent No.2.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

LISA GILL, J.

This order shall dispose of CRM No.M-5486 of 2016 (Harnoor

Singh Bhatia v. State of Punjab and another) and CRM No.M-5486 of 2016 (Harnoor Singh Bhatia v. State of Punjab and another).

Both the abovesaid petitions have been filed for quashing of FIR No.105 dated 10.12.2013, under Sections 406/498A IPC (Section 494 IPC was added subsequently), registered at Police Station Women Cell, Jalandhar City and all other consequential proceedings arising therefrom on the basis of a compromise arrived at between the parties. CRM No.M-5486 has been filed by Harnoor Singh Bhatia, husband of respondent No.2 and CRM No.M-18332 of 2018 has been filed by Jaspal Singh Bhatia and Inderdeep Kaur Bhatia i.e., the parents-in-law of respondent No.2.

The abovesaid FIR was registered at the instance of respondent No.2 due to matrimonial discord with her husband i.e., petitioner – Harnoor Singh Bhatia. With the intervention of respectables and relatives, a compromise was arrived at between the parties, the terms of which were reduced into writing on 30.11.2017 (Annexure P2). Petitioner – Harnoor Singh Bhatia and respondent No.2 decided to part ways.

Learned counsel for the petitioners and respondent No.2 submit that petition under Section 13B of the Hindu Marriage Act, 1955 was listed before the learned District Judge, Jalandhar for today itself for recording of statements of the parties at second motion. The entire settled amount has been received by respondent No.2.

It is noticed that notice of motion is yet to be issued in CRM No.M-18332 of 2018. Notice to the respondents. Mr. Sarabjeet Singh, Advocate accepts notice on behalf of respondent No.2. On the asking of the Court, Mr.

K.S.Aulakh, Deputy Advocate General, Punjab accepts notice on behalf of respondent No.1.

It is submitted that statements of the parties in respect to the settlement already stand recorded on 16.01.2018 before the learned Judicial Magistrate First Class, Jalandhar pursuant to order dated 20.11.2017 in CRM No.M-5486 of 2016.

This Court vide order dated 20.11.2017 passed in CRM No.M-5486 of 2016 directed the parties to appear before learned trial court for recording their statements in respect to the abovementioned 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 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 abovesaid order dated 20.11.2017 in CRM No.M-5486 of 2016, the parties appeared before the learned Judicial Magistrate First Class, Jalandhar and their statements were recorded on 16.01.2018. Respondent No.2 stated that the matter has been amicably resolved by her with all the accused persons out of her own free will without any pressure, coercion, undue influence or inducement. Respondent No.2 specifically stated that she has no objection in case the abovesaid FIR against all the accused is quashed. Pendency of the petition under Section 13B of the Hindu Marriage Act, 1955 has been mentioned.

Joint statement of the petitioners – Harnoor Singh Bhatia, Jaspal Singh Bhatia

and Inderdeep Kaur in respect to the settlement was recorded as well.

As per report dated 25.01.2018 received from the learned Judicial Magistrate First Class, Jalandhar (attached with the file of CRM No.M-5486 of 2016), satisfaction is expressed that compromise between the parties is genuine, arrived at out of the free will of the parties without any pressure or coercion. None of the petitioners are reported to be proclaimed offenders. 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 all the petitioners in both the petitions.

Learned counsel for the State, on instructions from ASI Sukhwinder Pal, submits that as the abovesaid FIR arises out of a matrimonial dispute, the State has no objection to the quashing of the FIR in question as well as all consequential proceedings 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.105 dated 10.12.2013, under Sections 406/498A IPC (Section 494 IPC was added subsequently), registered at Police Station Women Cell, Jalandhar City alongwith all consequential proceedings are, hereby, quashed.

May 02, 2018.
'om'

(LISA GILL)
JUDGE

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