

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

Criminal Misc. No. M- 46894 of 2017(O&M)

Date of Decision: March 27 , 2018.

Harmeet Singh and others

..... PETITIONER(s)

Versus

State of Punjab and another

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Amandeep Singh Sandhu, Advocate
for the petitioners.

Mr. Sukhbir Singh, AAG, Punjab.

Mr. Vikram Rana, Advocate for
Mr. Diwan S.Adlakha, Advocate
for the complainant/respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.153 dated 14.09.2017 under Sections 498A/406 IPC, registered at Police Station Sadar Dhuri, District Sangrur 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 i.e., petitioner No.1. With the intervention of respectables and relatives, a compromise was arrived at between the parties, the terms of which were reduced into writing on 18.11.2017 (Annexure P2). Petitioner No.1 and respondent No.2 decided to part ways.

It is informed that petition under Section 13B of the Hindu Marriage Act, 1955 has been filed by petitioner No.1 and respondent No.2, statements of the parties at first motion have been recorded and part of the settled amount has been handed over to respondent No.2. It is submitted that the petitioners undertake to hand over the rest of the settled amount to respondent No.2 at the time of recording of statements at second motion in the abovesaid proceedings on 22.05.2018. Moreover, the petitioners undertake to abide by all the terms and conditions of the settlement in letter and spirit.

This Court on 02.02.2018 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 02.02.2018, the parties appeared before the learned Judicial Magistrate First Class, Dhuri and their statements were recorded on 28.02.2018. The complainant/respondent No.2 stated that she has compromised the matter with all the accused persons without any pressure or coercion and has no objection in case the abovesaid FIR against the petitioners is quashed. Joint statement of the petitioners in respect to the settlement was

recorded as well. Statement of ASI Shiv Ram, Police Station Sadar Dhuri was recorded on 13.03.2018. The accused are stated to be involved in FIR No.14 dated 27.01.2016 under Sections 365/341/323/506/34 IPC and Sections 25/27 of the Arms Act. The said FIR is however mentioned to be quashed by this Court. Another FIR No.123 dated 03.12.2015 under Sections 342/323/506/34 IPC, Police Station Sadar Nabha is also stated to be registered against the accused.

As per report dated 14.03.2018 received from the learned Judicial Magistrate First Class, Dhuri, satisfaction is expressed that the compromise between the parties is genuine and voluntary, arrived at between them 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 submitted that respondent No.2 has no objection to the quashing of the abovementioned FIR subject to strict adherence to the terms and conditions of the settlement by 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 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.153 dated 14.09.2017 under Sections 498A/406 IPC, registered at Police Station Sadar Dhuri, District Sangrur 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 petitioners or it is found that the settlement was a mere ruse to have the aforesaid FIR quashed.

March 27, 2018.
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(LISA GILL)
JUDGE

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