

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

**Crl. Misc. No. M-47238 of 2017
Date of Decision : March 09, 2018**

Harbans Singh Walia and anotherPetitioners

Versus

State of Punjab and another Respondents

CORAM : HON'BLE MRS. JUSTICE LISA GILL

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Present: Mr. J.S.Lalli, Advocate
for the petitioners.

Mr. Anmol Singh Sandhu, AAG, Punjab.

Ms. Parambir Kaur, Advocate for
Mr. S.S.Khaira, Advocate
for respondent No.2.

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LISA GILL, J. (Oral)

Prayer in this petition is for quashing of FIR No.33 dated 24.06.2017 under Sections 406, 498-A IPC registered at Police Station Women Cell, Jalandhar, along with all other consequential proceedings arising therefrom on the basis of compromise (Annexure P2) arrived at between the parties.

The above-said FIR was registered at the instance of respondent No.2 due to matrimonial discord with her husband i.e. petitioner No.1. The matter was amicably resolved. The terms and conditions of settlement were reduced into writing on 14.11.2017 (Annexure P-2).

It is submitted that a petition under Section 13-B of the Hindu Marriage Act, 1955 has been filed by petitioner No.1 and respondent No.2. It is agreed that a total sum of ₹ 12.5 lakhs shall be remitted to respondent No.2 as full and final settlement of all her claims-past, present and future qua alimony, maintenance etc. Out of the said amount, a sum of ₹ 6.50 lakhs has also been handed over to respondent No.2.

Today, a Demand Draft No.508691 dated 13.02.2018 for a sum of ₹ 03 lakhs has been handed over to respondent No.2, present in Court.

Learned counsel for the petitioners submits that both the petitioners undertake to carry out the terms and conditions of the settlement in letter and spirit. They undertake to handover the balance amount of ₹ 03 lakhs at the time of recording of statements of the parties at second motion in the petition under Section 13-B of the Hindu Marriage Act, 1955.

Respondent No.2, who is present in Court, furnishes her Aadhar Card as proof of her identity. Photocopy of the same is taken on record subject to just exceptions. Respondent No.2 states that she has no objection in case the above-said FIR is quashed subject to the petitioners strictly adhering to the terms and conditions of the settlement.

Pursuant to order dated 12.12.2017, the parties appeared before the learned Judicial Magistrate First Class, Jalandhar, and their statements were recorded on 10.01.2018. Respondent No.2 stated that she has compromised the matter with both the accused-petitioners out of her own free will, without any pressure, coercion, undue influence and inducement from any quarter. It is further stated that she has no objection to the

quashing of the above-said FIR against both the petitioners. Joint statement of the petitioners in respect to the compromise was also recorded.

As per report dated 25.01.2018 received from the learned Judicial Magistrate First Class, Jalandhar, satisfaction is expressed that the settlement between the parties is genuine, not the result of any pressure or coercion on any of the parties. None of the petitioners is reported to be a proclaimed offender. Statements of the parties are appended along with 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 above-mentioned FIR against the petitioners subject to strict adherence to the terms and conditions of the settlement by the petitioners.

Learned counsel for the State, on instructions from HC Neela Ram, verifies the factum of settlement between the parties. No serious objection to the quashing of the aforesaid FIR on the basis of a settlement arrived at between the parties has been raised.

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 above-said 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. 33 dated 24.06.2017 under Sections 406, 498-A IPC registered at Police Station Women Cell, Jalandhar, along with 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.

09.03.2018
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(LISA GILL)
JUDGE

Note: Whether speaking/reasoned
Whether Reportable:

Yes / No
Yes / No