

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

Criminal Misc. No.M- 47713 of 2017 (O&M)

Date of decision : March 26, 2018

Harvinderjit Singh alias Harwinderjit Singh

.....Petitioner

Versus

State of Punjab and another

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Dhirinder Chopra, Advocate
for the petitioner.

Mr. Sukhleen Singh, AAG, Punjab

Mr. B.S. Saini, Advocate
for respondent No.2.

LISA GILL, J.

CRM No. 9078 of 2018

Prayer in the application is for placing on record decree of divorce dated 18.02.2008 as Annexure P-7. Same is taken on record subject to just exceptions. Filing of certified copy of Annexure P-7 is exempted.

Application is disposed of.

CRM-M- 47713 of 2017

Prayer in this petition is for quashing of FIR No. 7 dated 17.01.2010 under Sections 420, 406, 498A, 467, 472, 494, 120B IPC registered at Police Station Moga City, Moga and all other consequential proceedings arising therefrom on the basis of a compromise arrived at between the parties.

It is submitted that divorce was granted to the parties on 18.02.2008 (Annexure P-7). Thereafter, the present FIR was registered on

17.01.2010. The parties, however, amicably resolved the dispute with the intervention of respectables and Panchayat. The terms and conditions of the settlement were reduced into writing on 08.11.2017 (Annexure P-2).

This Court on 15.12.2017 and 09.02.2018 directed the parties to appear before learned trial court/Illaqa Magistrate for recording their statements in respect to the above-mentioned compromise. Learned trial court/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 trial court/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 15.12.2017 and 09.02.2018, the parties appeared before the learned Judicial Magistrate First Class, Moga and their statements were recorded on 05.03.2018. Liberty was afforded to the complainant – respondent No. 2 to appear through her special power of attorney holder – Bhupinder Singh Shekon. Sh. Bhupinder Singh Shekon is the paternal uncle (*fufad*) of the complainant, who is stated to have arranged her wedding as per the averments in the FIR. He is the husband of the complainant's paternal aunt (*bua*). Sh. Bhupinder Singh Shekon - special power of attorney holder of the complainant - respondent No.2 stated that he is the special power of attorney holder of respondent No. 2. The matter has been amicably resolved by respondent No. 2 with the petitioners out of her free will, without any threat, pressure or coercion. It is stated that respondent No. 2 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 05.03.2018 received from the learned Judicial Magistrate First Class, Moga, satisfaction is expressed that the compromise between the parties is genuine, arrived at out of free will of the parties, without any pressure, coercion or 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 affirms and verifies the factum of settlement between the parties. It is submitted that respondent No. 2 undertakes to be bound by all the acts and statements made on her behalf by her authorised power of attorney holder – Sh. Bhupinder Singh Shekon, who is also her uncle. It is informed that respondent No. 2 is presently in Sweden. Learned counsel points out that respondent No. 2 has duly signed the compromise dated 08.11.2017 (Annexure P-2). She has also executed an affidavit dated 08.11.2017, a photocopy/translation of which is annexed as Annexure P-3. Photocopy of the entries in her passport reveal that respondent No. 2 was in India on the said date after her arrival on 12.10.2017. It is further submitted that respondent No. 2 has no objection to the quashing of the aforementioned FIR against the petitioner.

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

“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. 7 dated 17.01.2010 under Sections 420, 406, 498A, 467, 472, 494, 120B IPC registered at Police Station Moga City, Moga alongwith all consequential proceedings are, hereby, quashed.

March 26, 2018
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No