

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

**Crl. Misc. No. M-48236 of 2017
Date of Decision : March 06, 2018**

Kewal Singh and othersPetitioners

Versus

State of Punjab and another Respondents

CORAM : HON'BLE MRS. JUSTICE LISA GILL

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Present: Mr. Dinesh Kumar, Advocate
for the petitioners.

Ms. Seena Mand, DAG, Punjab.

Respondent No.2 in person.

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LISA GILL, J. (Oral)

Prayer in this petition is for quashing of FIR No.22 dated 25.02.2014 under Sections 406, 498-A IPC registered at Police Station Khamano, District Fatehgarh Sahib along with all other consequential proceedings arising therefrom on the basis of compromise dated 25.01.2017 (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. With the intervention of respectables and relatives the matter has been amicably resolved. The terms and conditions of settlement were reduced into writing on 25.01.2017 (Annexure P-2).

It is informed that matrimonial ties between petitioner No.1 and respondent No.2 have been resumed. Both of them are living together in their matrimonial home.

Pursuant to order dated 16.12.2017, the parties appeared before the learned Sub Divisional Judicial Magistrate, Khamanon, on 22.12.2017 and their statements were recorded. Respondent No.2 stated that she has compromised the matter with all the accused-petitioners out of her own free will, without any pressure, coercion, undue influence, misrepresentation or threat. It is further stated that she has resolved to reside peacefully with the petitioner in future and has no objection to the quashing of the above-said FIR against all the petitioners. Statements of the petitioners in respect to the compromise were also recorded.

As per report dated 05.01.2018 received from the learned Sub Divisional Judicial Magistrate, Khamanon, satisfaction is expressed that the settlement between the parties is genuine, voluntarily arrived at out of their own free will, without any pressure or undue influence. None of the petitioners is reported to be a proclaimed offender. Statements of the parties are appended along with the said report.

The respondent, duly identified by ASI Parjinder Singh, is present in Court. She reaffirms and verifies that she is living in the matrimonial home along with her husband-petitioner No.1 and has no objection to the quashing of the above-mentioned FIR against the petitioners subject to due care, affection and respect being afforded to her in the matrimonial home.

Learned counsel for the State, on instructions from ASI Parjinder Singh, submits that as the above-said 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 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. 22 dated 25.02.2014 under Sections 406, 498-A IPC registered at Police Station Khamanon, District Fatehgarh Sahib 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.

06.03.2018

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**(LISA GILL)
JUDGE**

Note: Whether speaking/reasoned
Whether Reportable:

Yes / No
Yes / No