

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

**Crl. Misc. No. M-48441 of 2017  
Date of Decision : February 21, 2018**

**Mahinder Singh and others .....Petitioners**

**Versus**

**State of Punjab and another ..... Respondents**

**CORAM : HON'BLE MRS. JUSTICE LISA GILL**

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Present: Mr. S.S.Kainth, Advocate  
for the petitioners.

Mr. Sukhbir Singh, AAG, Punjab.

Mr. Mandeep Singh, Advocate  
for respondent No.2.

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**LISA GILL, J. (Oral)**

Prayer in this petition is for quashing of FIR No.62 dated 28.04.2017 under Sections 498-A/323 IPC registered at Police Station Sirhind, District Fatehgarh Sahib along with all other consequential proceedings arising therefrom on the basis of compromise 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 and an affidavit in this respect was executed by respondent No.2 on 17.08.2017 (Annexure P-2).

It is informed that petitioner No.1 and respondent No.2 are

now living together at the matrimonial home in peace and harmony. The petitioners it is submitted undertake to abide by the terms and conditions of settlement and offer all due care and affection to respondent No.2 in the matrimonial home.

Pursuant to order dated 18.12.2017, the parties appeared before the learned Additional Chief Judicial Magistrate, Fatehgarh Sahib and their statements were recorded on 24.01.2018. Statement of respondent No.2 was recorded to the effect that she has voluntarily compromised the matter with all the accused-petitioners out of her own free will, without any pressure or coercion. Respondent No.2 stated that she has no objection to the quashing of the above-said FIR against all the petitioners. Joint statement of the petitioners in respect to the compromise was also recorded.

As per report dated 30.01.2018 received from the learned Additional Chief Judicial Magistrate, Fatehgarh Sahib, it is opined that the settlement between the parties is genuine, arrived at out of the free will of the parties, without any pressure, threat or coercion. 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 all the petitioners subject to strict adherence to the terms and conditions of the settlement by the petitioners and respondent No.2 being afforded due love, affection and care in the matrimonial home.

Learned counsel for the State 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. 62 dated 28.04.2017 under Sections 498-A/323 IPC registered at Police Station Sirhind, 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.

**21.02.2018**

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**( LISA GILL )  
JUDGE**

***Note:*** Whether speaking/reasoned  
Whether Reportable:

Yes / No  
Yes / No