

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

CRM-M-48574 of 2017 (O&M)

Date of Decision:08.03.2018

Amandeep Singh and others

..... Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Bhriugu Dutt Sharma, Advocate
the petitioner.

Mr. Anmol Singh Sandhu, AAG., Punjab.

Mr. M.S.Sachdev, Advocate
for respondent no.2.

LISA GILL, J(Oral).

Prayer in this petition is for quashing of FIR No.77 dated 07.08.2010, under Sections 406, 498-A IPC, registered at Police Station Bhogpur, Jalandhar, along with all other consequential proceedings arising therefrom on the basis of a compromise arrived at between the parties.

It is submitted that the above-said FIR was registered at the instance of respondent No.2 due to matrimonial discord with her husband-petitioner no.1. It is informed that petition under Section 13-B of the Hindu Marriage Act, 1955, has been filed. Statements of the parties at first motion have been recorded and part of the settled amount has been handed over to respondent no.2. Petitioners undertake to abide by the terms and conditions of the settlement in

letter and in spirit. The balance amount shall be handed over to respondent no.2 at the time of recording of the statement of the parties at second motion in a petition under Section 13-B of the Hindu Marriage Act, 1955. It is thus prayed that this petition be allowed.

This Court on 20.12.2017 directed the parties to appear before the learned trial court for recording of their statements in respect to the above-mentioned compromise. Learned trial court 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 was also directed to intimate whether 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 20.12.2017, the parties appeared before the learned Judicial Magistrate Ist Class, Jalandhar, on 26.02.2018. Respondent No.2 stated that she has amicably resolved the matter with all the petitioners out of her own free will, without any pressure or coercion. Respondent no.2 stated that she has received a sum of ₹5 lakhs and the balance amount would be remitted to her at the time of recording of their statements at second motion. It is further stated that she has no objection in case the abovesaid FIR against the petitioners is quashed however subject to the deposit of the balance settled amount. Statements of the petitioners in respect to the settlement were recorded.

As per report dated 26.02.2018, received from the learned Judicial Magistrate Ist Class, Jalandhar, satisfaction is expressed that the compromise between the parties is genuine, voluntarily arrived at out of the free will of the parties, without any pressure or coercion. Petitioners are not reported to be proclaimed offenders.

Learned counsel for respondent No.2 affirms 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 their strictly adhering to the terms and conditions of the settlement.

Learned counsel for the State has not raised any serious 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.77 dated 07.08.2010, under Sections 406, 498-A IPC, registered at Police Station Bhogpur, 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 petitioner(s) or it is found that the settlement was a mere ruse to have the aforesaid FIR quashed.

08.03.2018
s.khan

[LISA GILL]
Judge

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