

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

251

**Criminal Misc. No. M-49094-2017
Date of Decision: April 06, 2018.**

SORABH MONGA

..... PETITIONER

Versus

STATE OF PUNJAB AND ANR

..... RESPONDENTS

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. P.S. Ahluwalia, Advocate
for the petitioner.

Ms. Seena Mand, DAG, Punjab.

Mr. Jasraj Singh, Advocate
for the complainant/respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.111 dated 25.10.2016 under Sections 406 and 498-A IPC registered at Police Station Women Cell, District Patiala and all other consequential proceedings arising therefrom on the basis of a compromise arrived at between the parties.

The abovesaid FIR was registered at the instance of respondent No.2 due to matrimonial discord with her husband i.e., the petitioner. With the intervention of respectables and relatives, a compromise was arrived at between the parties, the terms of which were reduced into writing on 02.12.2017 (Annexure P-2). The petitioner and respondent No. 2 decided to part ways.

It is informed that the petition under Section 13-B of the Hindu Marriage Act filed by the petitioner and respondent No. 2 has since 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. Post-dated cheque/cheques of the balance settled amount has been deposited with the court of competent jurisdiction. The petitioner undertakes that the said cheque/cheques shall be honoured and same be released to respondent No. 2 at the time of recording of statements of the parties at second motion in the above said proceedings.

This Court on 22.12.2017 directed the parties to appear before learned trial court/Illaq Magistrate for recording their statements in respect to the above-mentioned compromise. Learned trial court/Illaq 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/Illaq 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 22.12.2017, the parties appeared before the learned Judicial Magistrate First Class, Patiala and their statements were recorded on 23.03.2018. Respondent No.2 stated that the matter has been amicably resolved with the petitioner, who is the sole accused in this case, out of her own free will without any pressure, undue influence, coercion, inducement or threat. The compromise was tendered as Annexure 'A'. Respondent No.2 stated that she has no objection in case the abovesaid FIR against the accused/petitioner is quashed. Statement of the petitioner in respect to the settlement was recorded as well.

As per report dated 27.03.2018 received from the learned Judicial Magistrate First Class, Patiala, satisfaction is expressed that the compromise between the parties is genuine and voluntary, arrived at without any 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 reaffirms and verifies the factum of settlement between the parties. It is reiterated that respondent No.2 has no objection in case the abovementioned FIR is quashed subject to the petitioner strictly adhering to the terms and conditions of the settlement.

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 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.111 dated 25.10.2016

under Sections 406 and 498-A IPC registered at Police Station Women Cell, District Patiala alongwith 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 or it is found that the settlement was a mere ruse to have the aforesaid FIR quashed.

April 06, 2018
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(LISA GILL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No