

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

CRM-M-49491 of 2017 (O&M)

Date of Decision:12.02.2018

Avtar Thakur

..... Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Manjeet Singh, Advocate
for Mr. A.K.Gupta, Advocate
for the petitioner.

Mr. Kulbeer Singh., AAG., Punjab.

Mr. Vinod Kumar Sharma, Advocate
for respondent no.2.

LISA GILL, J(Oral).

Prayer in this petition is for quashing of FIR No.115 dated 26.06.2017, under Sections 406, 498-A IPC, registered at Police Station City Phagwara, District Kapurthala, along with all other consequential proceedings arising therefrom on the basis of compromise dated 18.07.2017 dated (Annexure P-2) 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. It is informed that petition under Section 13-B of the Hindu Marriage Act, 1955, has since been allowed on 24.01.2018. The entire settled amount, it is submitted has been handed over to respondent no.2. Therefore, it is prayed that this

petition be allowed.

This Court on 22.12.2017 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 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 Sub Divisional Judicial Magistrate, Phagwara, and their statements were recorded on 24.01.2018. Respondent No.2 stated that the matter has been amicably resolved by her with the accused-petitioner out of her free will, without any kind of undue influence or coercion. It is further submitted that she has no objection in case the above mentioned FIR against the accused-petitioner is quashed. Statement of the petitioner as well as witness-Sunil Kumar Kanda, in respect to the settlement was recorded as well.

As per report dated 24.01.2018, received from the learned Sub Divisional Judicial Magistrate, Phagwara, satisfaction is expressed that the compromise between the parties is genuine, arrived at out of the free will of the parties, without any pressure or coercion. Petitioner is not reported to be a proclaimed offender.

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 petitioner in view of the settlement between the parties.

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.115 dated 26.06.2017, under Sections 406, 498-A IPC, registered at Police

Station City Phagwara, District Kapurthala,, along with all consequential proceedings are, hereby, quashed.

12.02.2018
s.khan

[LISA GILL]
Judge

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.