

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

**Criminal Misc. No. M- 49511 of 2017 (O&M)**

Date of decision : February 07, 2018

Pankaj Shukla

.....Petitioner

Versus

State of U.T. Chandigarh and another

....Respondents

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

Present: Mr. Harsh Manocha, Advocate  
for the petitioner.

Mr. Sukhant Gupta, Addl. PP, U.T. Chandigarh.

None for respondent No.2.

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**LISA GILL, J.**

Prayer in this petition is for quashing of FIR No. 315 dated 24.07.2014 under Sections 406, 498A IPC registered at Police Station Sector 11, Chandigarh and all other consequential proceedings arising therefrom on the basis of a compromise arrived at between the parties.

At the outset, it is pointed out by learned counsel for the State as well as learned counsel for the petitioner that in the headnote and prayer clause of the petition, the number of the case is wrongly mentioned as FIR No. 313 instead of FIR No. 315. It is verified that the number of FIR in question is 315. Learned counsel for the petitioner submits that due to inadvertent typographical mistake, the error has crept in. He seeks permission for correction of the same. Necessary correction be carried out in the headnote as well as the prayer clause of this petition by the Registry of this Court.

The abovesaid FIR was registered at the instance of respondent

No.2 due to matrimonial discord with her husband - petitioner. It is submitted that petition under Section 13B of Hindu Marriage Act, 1955 ('the Act' – for short) has since been allowed on 04.01.2018. The entire settled amount has been handed over to respondent No. 2.

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, Chandigarh and their statements were recorded on 04.01.2018. Respondent No.2 stated that she has compromised the matter with the petitioner out of her own free will, without any pressure or undue influence. Petition under Section 13B of the Act, it is stated, has been allowed on 04.01.2018 and she has received the full and final payment in terms of the compromise between the parties. Respondent No.2 stated that she has no objection to the quashing of the abovesaid FIR qua the petitioner. Statement of the petitioner in respect to the compromise was also recorded.

As per report dated 19.01.2018 received from the learned Judicial Magistrate First Class, Chandigarh satisfaction is expressed that

the compromise between the parties is voluntary, arrived at out of free will of the parties, without any threat or coercion. The petitioner is not reported to be a proclaimed offender. Statements of the parties are appended alongwith the said report.

On 22.12.2017, Mr. Manoj Sharma, Advocate had appeared on behalf of respondent No.2 and affirmed the factum of settlement between the parties, pursuant to which parties were directed to record their statements.

Learned counsel for the State submits that as the abovesaid 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 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. 315 dated 24.07.2014 under Sections 406, 498A IPC registered at Police Station Sector 11, Chandigarh alongwith all consequential proceedings are, hereby, quashed.

However, liberty is afforded to respondent No.2 to file an appropriate application, in case, any of the facts mentioned above in respect to the compromise are factually incorrect.

February 07, 2018  
rts

**(Lisa Gill)**  
**Judge**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No