

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

**Crl. Misc. No. M-49560 of 2017
Date of Decision : February 23, 2018**

Amandeep Singh and othersPetitioners

Versus

State of Punjab and another Respondents

CORAM : HON'BLE MRS. JUSTICE LISA GILL

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Present: Mr. M.S.Sachdev, Advocate
for the petitioners.

Mr. Sukhbir Singh, AAG, Punjab.

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

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LISA GILL, J. (Oral)

Prayer in this petition is for quashing of FIR No.114 dated 26.12.2013 under Sections 406, 498-A IPC registered at Police Station Women Cell, Jalandhar City along with all other consequential proceedings arising therefrom on the basis of compromise (Annexure P2) arrived at between the parties.

It is submitted that though not specifically mentioned in the headnote or prayer clause of the petition, the petitioners also seek to challenge order dated 02.03.2015 whereby petitioner No.1 was declared a Proclaimed person. It is submitted that this order was not even in the

knowledge of the petitioners and has come to light when statements of the parties were to be recorded before the learned Judicial Magistrate 1st Class, Jalandhar. The said order in any case, it is submitted, is in violation of the provisions of law as petitioner No.1 was admittedly in U.S.A. even at the time of registration of the FIR and has thereafter never returned to India till now. Service was not effected upon him in accordance with law. Moreover, the matter has now been amicably resolved 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. It is agreed that respondent No.2 shall join her husband (petitioner No.1) at U.S.A. alongwith the minor child. Petitioner No.1 undertakes to provide for respondent No.2 as well as the minor daughter, look after their needs in U.S.A. and afford due love and affection to them. It is, thus, prayed that this petition be allowed.

Pursuant to order dated 22.12.2017, the parties appeared before the learned Judicial Magistrate First Class, Jalandhar and their statements were recorded on 18.01.2018. Respondent No.2 stated that she has compromised the matter with all the accused-petitioners out of her own free will, without any coercion or pressure. It is further stated that she has no objection to the quashing of the above-said FIR against all the petitioners. Statements of the petitioners in respect to the compromise were also recorded. Statement of petitioner No.1 was recorded through his Power of Attorney holder Amandeep Singh son of Labh Singh.

As per report dated 25.01.2018 received from the learned

Judicial Magistrate First Class, Jalandhar, satisfaction is expressed that the compromise between the parties is genuine, not the result of any pressure or coercion on any of the parties. It is mentioned that petitioner No.1 is a Proclaimed Person. Statements of the parties are appended along with the said report.

Learned counsel for the petitioners reiterates that all the petitioners and specifically petitioner No.1 undertake to abide by the terms and conditions of the settlement in letter and spirit. It is submitted that the settlement dated 26.10.2017 has been duly signed by petitioner No.1 himself. He undertakes that in case he does not abide by the terms and conditions of the settlement, respondent No.2 is at liberty to revive the proceedings. This is specifically mentioned in Clause 9 of the settlement which reads as under:-

“9. That as per compromise between the parties if the second party will not fulfil his above responsibility of sending first party Inderjeet Kaur & Ashmeet Kaur to U.S.A. then the first party has every right to reopen the cases or to take the appropriate proceeding against the second party.”

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 as well as order dated 02.03.2015 subject to their abiding by the terms and conditions of the settlement in letter and spirit.

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.114 dated 26.12.2013 under Sections 406, 498-A IPC registered at Police Station Women Cell, Jalandhar City along with all consequential proceedings, including order dated 02.03.2015 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 in letter and spirit or it is found that the settlement was a mere ruse to have the aforesaid FIR quashed.

23.02.2018
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(LISA GILL)
JUDGE

Note: Whether speaking/reasoned
Whether Reportable:

Yes / No
Yes / No