

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

Criminal Misc. No.M- 49959 of 2017 (O&M)

Date of decision : May 23, 2018

Deepak @ Deepak Sahota

.....Petitioner

Versus

State of Punjab and another

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Rajeev K. Kapila, Advocate
for the petitioner.

Ms. Ruchika Sabharwal, AAG, Punjab.

Ms. Suminderdeep Kaur, Advocate
for respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No. 163 dated 09.11.2015 under Section 498A IPC registered at Police Station Mukerian, District Hoshiarpur and all other consequential proceedings arising therefrom on the basis of compromise dated 27.11.2017 (Annexure P-2) 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., petitioner.

It is submitted that petition under Section 13B of the Hindu Marriage Act, 1955 has been filed by the petitioner and respondent No. 2. Their statements at first motion have been recorded. The said matter is listed for 10.07.2018 for recording of statements of the parties at second motion. The petitioner undertakes to abide by the terms and conditions of the settlement.

It is informed that matter regarding Criminal Complaint No. 12 dated 06.02.2015 under Sections 498A, 406 IPC read with Section 109 IPC has also been compromised. Statements of the parties have been recorded in the said matter as well.

This Court on 09.01.2018 and 19.02.2018 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 offenders 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 orders dated 09.01.2018 and 19.02.2018, the parties appeared before the learned Sub Divisional Judicial Magistrate, Mukerian and their statements were recorded on 06.03.2018. Respondent No.2 stated that the matter has been compromised by her with the petitioner out of her own free will, without any pressure, coercion and undue influence. 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 were also recorded.

As per report dated 31.03.2018 received from the learned Sub Divisional Judicial Magistrate, Mukerian satisfaction is expressed that the compromise between the parties is genuine, arrived at out of free will of the parties, without any coercion or undue influence. The petitioner, who is the

sole accused, 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 to the quashing of the abovementioned FIR against the petitioner.

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. 163 dated 09.11.2015 under Section 498A IPC registered at Police Station Mukerian, District Hoshiarpur 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(s) or it is found that the settlement was a mere ruse to have the aforesaid FIR quashed.

May 23, 2018
rts

(Lisa Gill)
Judge

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