

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

Criminal Misc. No. M- 5130 of 2017(O&M)

Date of Decision: February 19 , 2018.

Surinder Kaur and others

..... PETITIONER(s)

Versus

State of Punjab and another

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Dinesh Trehan, Advocate
for the petitioners.

Ms. Monika Jalota, DAG, Punjab.

Mr. H.S.Jugait, Advocate
for the complainant/respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.213 dated 19.09.2015 under Sections 406/498A/120B IPC, registered at Police Station Zirakpur, District SAS Nagar, Mohali 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., petitioner No.3. With the intervention of respectables and relatives, a compromise was arrived at between the parties, the terms of which were reduced into writing on 06.02.2017 (Annexure P2). Petitioner No.3 and respondent No.2 decided to part ways. It is

informed that petition under Section 13B of the Hindu Marriage Act, 1955 filed by them has since been allowed. The entire settled amount has been handed over to respondent No.2.

This Court on 16.02.2017/26.10.2017 directed the parties to appear before learned Illaqa Magistrate for recording their statements in respect to the above-mentioned compromise. Learned Illaqa Magistrate was directed to submit a report regarding the validity or otherwise 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.

Pursuant to order dated 16.02.2017/26.10.2017, the parties appeared before the learned Judicial Magistrate First Class, Dera Bassi and their statements were recorded on 10.01.2018. Respondent No.2 stated that she has voluntarily compromised the matter with all the accused persons out of her own free will without any pressure, undue influence, coercion, inducement, threat or promise. It is mentioned that petition under Section 13B of the Hindu Marriage Act, 1955 was allowed on 13.09.2017 by the learned Additional District Judge, SAS Nagar, Mohali. Respondent No.2 stated that she has no objection in case the abovesaid FIR against the accused petitioners is quashed. Joint statement of the petitioners in respect to the settlement were recorded as well.

As per report dated 15.01.2018 received from the learned Judicial Magistrate First Class, Dera Bassi, satisfaction is expressed that the compromise between the parties is genuine, arrived at out of their free will without any threat or coercion. None of the petitioners are reported to be proclaimed offenders. 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 received the entire settled amount and she has no objection to the quashing of the abovementioned FIR against the petitioners.

Learned counsel for the State, on instructions from HC Bhupinder Singh, submits that as the abovesaid FIR arises out of a matrimonial dispute, the State has no objection to the quashing of the FIR in question as well as all consequential proceedings 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. 213 dated 19.09.2015 under Sections 406/498A/120B IPC, registered at Police Station Zirakpur,

District SAS Nagar, Mohali alongwith all consequential proceedings are, hereby, quashed.

February 19 , 2018.
'om'

(LISA GILL)
JUDGE

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