

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

Criminal Misc. No.M-5822 of 2017 (O&M)

Date of decision : May 25, 2018

Karambinder Singh and others

.....Petitioners

Versus

State of Punjab and another

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Sarju Puri, Advocate for the petitioners.

Ms. Ruchika Sabharwal, AAG, Punjab.

None for respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No. 14 dated 31.07.2014 under Section 498A IPC registered at Police Station NRI, District SBS Nagar 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.1.

It is informed that petition under Section 13B of Hindu Marriage Act, 1955 ('the Act' – for short) filed by petitioner No. 1 and respondent No. 2 has since been allowed on 20.08.2016 (Annexure P-2). The entire settled amount has been received by respondent No. 2.

This Court on 20.02.2018 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/Illaqa 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 order dated 20.02.2018, the parties appeared before the learned ACJM, Shaheed Bhagat Singh Nagar and their statements were recorded on 21.02.2018. Respondent No.2 stated that the matter has been compromised by her with all the accused persons out of her own free will, without any inducement, threat or coercion. Respondent No.2 stated that she has no objection to the quashing of the abovesaid FIR qua the petitioners. It is stated that petition under Section 13B of the Act was allowed on 20.08.2016. Joint statement of the petitioners in respect to the compromise was also recorded.

As per report dated 20.03.2018 received from the learned ACJM, Shaheed Bhagat Singh Nagar, satisfaction is expressed that the compromise between the parties is genuine, voluntary, without any coercion or undue influence. None of the petitioners is reported to be a proclaimed offender. Statements of the parties are appended alongwith the said report.

On 20.02.2018, Mr. Vijay Kumar, Advocate had appeared on behalf of respondent No.2 and affirmed the factum of settlement between the parties.

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. 14 dated 31.07.2014 under Section 498A IPC registered at Police Station NRI, District SBS Nagar alongwith all consequential proceedings are, hereby, quashed.

However, liberty is afforded to respondent No.2 to file appropriate application in case the factual position as mentioned is not as per the record.

May 25, 2018
rts

(Lisa Gill)
Judge

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