

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

**Criminal Misc. No. M- 5954 of 2017(O&M)**

**Date of Decision: February 05 , 2018.**

Vishal Sharma and others

..... PETITIONER(s)

**Versus**

State of Punjab and another

..... RESPONDENT (s)

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

Present: Mr. Madhu Ranjan, Advocate  
for the petitioners.

Mr. H.S.Grewal, Addl.AG, Punjab.

Mr. Sandeep Singal, Advocate for  
Mr. V.N.Sharma, Advocate  
for the complainant/respondent No.2.

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**LISA GILL, J.**

Prayer in this petition is for quashing of FIR No.84 dated 12.03.2013 under Sections 498A/406/323 IPC, registered at Police Station Zirakpur, District SAS 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. With the intervention of respectables and relatives, a compromise was arrived at between the parties. Petitioner No.1 and respondent No.2 decided to part ways.

It is informed that petition under Section 13B of the Hindu Marriage

Act, 1955 filed by petitioner No.1 and respondent No.2 has since been allowed on 24.07.2017. The entire settled amount has been received by respondent No.2. It is thus prayed that this petition be allowed.

Learned counsel for respondent No.2 reiterates the factum of settlement between the parties and verifies the abovesaid averments. It is submitted that respondent No.2 has no objection to the quashing of the abovementioned FIR against all the petitioners.

This Court on 25.07.2017/19.12.2017 directed the parties to appear before learned trial court for recording their statements in respect to the above-mentioned compromise. Learned trial court 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 was also directed to intimate whether any of the petitioners are absconding/proclaimed offenders and whether any other case is pending against them. Information was sought as to whether all affected persons are a party to the settlement.

Pursuant to order dated 25.07.2017/19.12.2017, the parties appeared before the learned Judicial Magistrate First Class, Dera Bassi and their statements were recorded on 20.12.2017. Respondent No.2 stated that with the intervention of the respectables, the matter has been amicably resolved with all the accused persons out of her own free will, without any coercion, inducement, threat or promise from any quarter. It is stated that she has received a sum of ₹3,50,000/- by way of demand draft No.855084 dated 14.12.2017 drawn on Union Bank of India and another sum of ₹3,50,000/- by way of demand draft No.856007 drawn on Union Bank of India. 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 was recorded as well.

As per report dated 20.12.2017 received from the learned Judicial Magistrate First Class, Dera Bassi, satisfaction is expressed that the compromise in question is valid and genuine, arrived at out of the free will of the parties without any coercion, undue influence or pressure. None of the petitioners are reported to be proclaimed offenders. Statements of the parties are appended alongwith the said report.

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 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.84 dated 12.03.2013 under Sections 498A/406/323 IPC, registered at Police Station Zirakpur, District SAS Nagar alongwith all consequential proceedings are, hereby, quashed.

February 05 , 2018.  
'om'

**( LISA GILL )**  
**JUDGE**

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