

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

**CRM-M-5925 of 2018 (O&M)
Date of Decision:24.05.2018**

Nitin Goyal

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr.Monty Goel, Advocate
the petitioner.

Ms. Ruchika Sabharwal, AAG., Punjab.

Mr. A.P.Kaushal, Advocate
for respondent no.2.

LISA GILL, J(Oral).

Prayer in this petition is for quashing of FIR No.305 dated 04.11.2016, under Sections 406, 498-A, 506 IPC, registered at Police Station City Khanna, District Ludhiana, along with all other consequential proceedings arising therefrom on the basis of a compromise dated 05.07.2017 (Annexure P-2) arrived at between the parties.

It is submitted that the above-said FIR was registered at the instance of respondent No.2 due to matrimonial discord with her husband-petitioner. Learned counsel for the petitioner and respondent no.2 submit that petition under Section 13-B of the Hindu Marriage Act, 1955, has since been allowed in February 2018. The entire settled amount has since

been received by respondent no.2, who has no objection to the quashing of the aforementioned FIR against the petitioner. It is thus prayed that this petition be allowed.

This Court on 22.02.2018 directed the parties to appear before the learned trial court for recording of 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 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 22.02.2018, the parties appeared before the learned Sub-Divisional Judicial Magistrate, Khanna on 23.02.2018. Respondent No.2 stated that she has compromised the matter with the petitioner out of her own free will, without any pressure or coercion and has no objection to the quashing of the aforementioned FIR against the petitioner. Receipt of draft of ₹6 lakhs on 23.02.2018 is mentioned. Respondent no.2 stated that she has received the total settled amount of ₹8.5 lakhs. Statement of the petitioner in respect to the settlement was recorded.

As per report dated 09.03.2018, received from the learned Addl.Civil Judge (Sr. Division)-cum-Sub Divisional Judicial Magistrate, Khanna, satisfaction is expressed that the compromise between the parties is genuine, voluntarily arrived at out of the free will of the parties, without

any pressure or coercion. Petitioner is not reported to be a proclaimed offender.

Learned counsel for respondent No.2 affirms 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.

Learned counsel for the State has not raised any serious 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.305 dated

04.11.2016, under Sections 406, 498-A, 506 IPC, registered at Police Station City Khanna, District Ludhiana, along with all consequential proceedings are, hereby, quashed.

24.05.2018
s.khan

[LISA GILL]
Judge

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