

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

CRM-M-6043 of 2018 (O&M)

Date of Decision:30.04.2018

Lakhvir Singh and others

..... Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr.Anupam Sharma, Advocate
the petitioners.

Mr.D.S.Sukarcharkia, DAG., Punjab.

Mr. Surinder Sharma, Advocate
for respondent no.2.

LISA GILL, J(Oral).

Prayer in this petition is for quashing of FIR No. 78 dated 03.10.2013, under Sections 406, 498-A IPC, registered at Police Station Women Cell, Jalandhar City, as well as order dated 07.03.2015 (Annexure P-3) along with all other consequential proceedings arising therefrom on the basis of a compromise arrived at between the parties.

Learned counsel for the petitioners submits that order dated 07.03.2015 was passed in violation of the settled provisions of law as petitioner no.1 was not in India at the relevant time. Moreover, the matter has been amicably resolved between the parties. *Ex parte* decree of divorce dated 14.10.2015 granted in favour of respondent no.2 (Annexure P-2) has been accepted by petitioner no.1. The entire

settled amount of ₹5.5 lakh has since been handed over to respondent no.2. Respondent no.2, thus has no objection to the quashing of the aforementioned FIR against the petitioners. It is thus prayed that this petition be allowed.

This Court on 15.02.2018 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 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 15.02.2018, the parties appeared before the learned Judicial Magistrate Ist Class, Jalandhar, on 26.02.2018. Liberty was afforded to petitioner no.1 as well as respondent no.2 to have their statements recorded in respect to the settlement through their special power of attorney holders. Respondent no.2 was represented by Gurdev Singh-her special power of attorney holder as well as father. It is stated that respondent no.2 has no objection in case the aforementioned FIR against all the accused-petitioners is quashed. Attested copy of the said power of attorney by respondent no.2 in favour of Gurdev Singh was tendered as Ex.PA. It is specifically stated by Gurdev Singh that the matter has been compromised. Respondent no.2 is a signatory to the

compromise (Annexure P-4). The compromise, it is stated is genuine, arrived at out of her own free will, without any pressure, coercion, undue influence or inducement from any quarter. Statements of the petitioners in respect to the settlement were recorded. Statement of petitioner no.1 was recorded through Narinder Singh, his special power of attorney holder and petitioner no.2 in this petition. It is informed that petitioner no.1, is the adopted son of petitioner no.2.

As per report dated 01.03.2018, received from the learned Judicial Magistrate Ist Class, Jalandhar, 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.

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 the petitioners as well as order dated 07.03.2015. She undertakes to abide by all the acts, statements suffered on her behalf by her special power of attorney holder- Gurdev Singh, her father. Learned counsel for the petitioners submits that petitioner no.1 also undertakes to bound by all acts, statements suffered on his behalf by Narinder Singh, his special power of attorney holder and father.

Learned counsel for the State has not raised any serious objection to the quashing of this FIR and 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 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. 78 dated 03.10.2013, under Sections 406, 498-A IPC, registered at Police Station Women Cell, Jalandhar City, as well as order dated 07.03.2015 (Annexure P-3), along with all consequential proceedings are, hereby, quashed.

30.04.2018
s.khan

[LISA GILL]
Judge

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