

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

Criminal Misc. No. M- 6130 of 2018(O&M)

Date of Decision: April 27 , 2018.

Sukhdeep Singh and others

..... PETITIONER(s)

Versus

State of Punjab and others

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. RVS Chugh, Advocate
for the petitioners.

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

Ms. Harpreet Kaur Arora, Advocate
for respondents No.2 and 3.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.0057 dated 31.07.2017 under Sections 498A/406 IPC, Police Station Balongi, 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.3 due to matrimonial discord of his daughter i.e., respondent No.2 with her husband, petitioner No.1. With the intervention of respectables and relatives, a compromise was arrived at between the parties, the terms of which were reduced into writing on 03.02.2018 (Annexure P2). Petitioner No.1 and respondent No.2

decided to part ways.

Learned counsel for the petitioners as well as respondents No.2 and 3 submit that petition under Section 13B of the Hindu Marriage Act, 1955 has been filed by petitioner No.1 and respondent No.2. Their statements at first motion have been recorded and part of the settled amount has been handed over to respondent No.2. The petitioners undertake to hand over the rest of the settled amount (total amount being ₹16,50,000/-) to respondent No.2 at the time of recording of statements of the parties at second motion in the abovesaid proceedings. The petitioners further undertake to abide by the terms and conditions of the settlement arrived at between the parties.

This Court on 14.02.2018 directed the parties to appear before learned trial court/Illaqa Magistrate for recording their statements in respect to the above-mentioned compromise. Learned trial court/Illaqa 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 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 14.02.2018, the parties appeared before the learned Judicial Magistrate First Class, Kharar and their statements were recorded on 09.04.2018. The complainant/respondent No.3 and his daughter, respondent No.2 stated that the matter has been amicably resolved with all the

accused petitioners out of their own free will without any kind of pressure or coercion. It is stated that that they have 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 10.04.2018 received from the learned Judicial Magistrate First Class, Kharar, satisfaction is expressed that the compromise between the parties is genuine, arrived at out of their free will without any coercion 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 respondents No.2 and 3 reaffirms and verifies the factum of settlement between the parties. It is reiterated that respondents No.2 and 3 have no objection to the quashing of the abovementioned FIR against the petitioners subject to their strict adherence to the terms and conditions of the settlement arrived at between the parties.

Learned counsel for the State, on instructions from ASI Ashok Kumar, 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.0057 dated 31.07.2017 under Sections 498A/406 IPC Police Station Balongi District SAS Nagar (Mohali) alongwith all consequential proceedings are, hereby, quashed.

However, liberty is afforded to respondents No.2 and 3 to file necessary application for revival of the proceedings in the above said FIR, in case the terms and conditions of settlement between the parties are not adhered to by the petitioners or it is found that the settlement was a mere ruse to have the aforesaid FIR quashed.

April 27 , 2018.
'om'

(LISA GILL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No