

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

Criminal Misc. No. M- 6705 of 2018(O&M)

Date of Decision: April 27 , 2018.

Yadwinder Singh and others

..... PETITIONER(s)

Versus

State of Punjab and another

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Bikramjit Singh Bajwa, Advocate
for the petitioners.

Mr. Davinder Bir Singh, DAG, Punjab.

Mr. R.K.Choudhary, Advocate
for the complainant/respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.163 dated 29.11.2014 under Sections 498A/406 IPC, registered at Police Station Ghuman, Police District Batala, District Gurdaspur 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.3. With the intervention of respectables and relatives, a compromise was arrived at between the parties, the terms of which were reduced into writing on 07.02.2018 (Annexure P2). Petitioner No.3 and respondent No.2 decided to part ways.

Learned counsel for the petitioners and respondent No.2 inform that petition under Section 13B of the Hindu Marriage Act, 1955 has been filed by petitioner No.3 and respondent No.2. Their statements at first motion have been recorded and the entire settled amount has since been remitted to respondent No.2. The petitioners, it is submitted, undertake to abide by all the terms and conditions of the settlement arrived at between the parties.

This Court on 19.02.2018 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/Illaq 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 19.02.2018, the parties appeared before the learned Judicial Magistrate First Class, Batala and their statements were recorded on 08.03.2018. Respondent No.2 stated that she has compromised the matter with all the accused petitioners out of her own free will without any kind of pressure, force, threat, coercion or undue influence from any quarter and has no objection in case the abovesaid FIR is quashed against all the accused petitioners, three of whom were proceeded against initially and two of them were summoned under Section 319 Cr.P.C. Statements of the petitioners in respect to the

settlement were recorded as well. Statement of ASI Daljeet Singh, Police Station Ghuman was recorded to the effect that none of the accused petitioners are proclaimed offenders.

As per report dated 17.04.2018 received from the learned Judicial Magistrate First Class, Batala, satisfaction is expressed that the compromise between the parties is genuine, arrived at out of the free will of the parties without any pressure or coercion. None of the petitioners are reported to be proclaimed offenders. Statements of the parties are appended alongwith the said report.

Learned counsel for respondent No.2 reaffirms and verifies the factum of settlement between the parties. It is reiterated that respondent No.2 has no objection to the quashing of the abovementioned FIR against the petitioners.

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.163 dated 29.11.2014 under Sections 498A/406 IPC, registered at Police Station Ghuman, Police District Batala, District Gurdaspur alongwith all consequential proceedings are, hereby, quashed.

April 27 , 2018.
'om'

**(LISA GILL)
JUDGE**

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