

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

Criminal Misc. No.M- 6824 of 2018 (O&M)

Date of decision : May 02, 2018

Rajat Bhatia and others

.....Petitioners

Versus

State of Punjab and another

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Udeyveer Singh Rana, Advocate for
Mr. J.K. Sehrawat, Advocate
for the petitioners.

Mr. K.S. Aulkah, DAG, Punjab.

Mr. Zorawar Singh, Advocate for respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No. 234 dated 07.11.2016 under Sections 406, 498A IPC registered at Police Station Phillaur, District Jalandhar Rural and all other consequential proceedings arising therefrom on the basis of compromise dated 07.07.2017 (Annexure P-2) arrived at between the parties before the Mediation and Conciliation Centre of this Court.

The abovesaid FIR was registered at the instance of respondent No.2 due to matrimonial discord with her husband i.e., petitioner No.1.

Learned counsel for the petitioners and respondent No. 2 submit that petitioner No. 1 and respondent No. 2 have resumed matrimonial ties. They are living together in the matrimonial home alongwith their minor daughter since August, 2017.

This Court on 20.02.2018 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 20.02.2018, the parties appeared before the learned Sub Divisional Judicial Magistrate, Phillaur, District Jalandhar and their statements were recorded on 18.04.2018. Respondent No.2 stated that the matter has been compromised by her with all the accused persons out of her own free will, without any inducement, threat, pressure or coercion. Respondent No.2 stated that she has no objection to the quashing of the abovesaid FIR qua the petitioners. Joint statements of the petitioners in respect to the compromise were also recorded.

As per report dated 18.04.2018, received from the learned Sub Divisional Judicial Magistrate, Phillaur, satisfaction is expressed that the compromise between the parties is genuine, arrived at out of free will of the parties, without any pressure or coercion. None of the petitioners is reported to be a proclaimed offender. 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 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 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. 234 dated 07.11.2016 under Sections 406, 498A IPC registered at Police Station Phillaur, District Jalandhar Rural alongwith all consequential proceedings are, hereby, quashed.

May 02, 2018
rts

(Lisa Gill)
Judge

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