

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

CRM-M-7604 of 2018 (O&M)

Date of Decision:18.04.2018

Ved Parkash and others

..... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Tejinder Pal Singh, Advocate
the petitioner.

Mr. Anmol Singh Sandhu, AAG., Punjab.

Mr. Abhishek Sharma, Advocate
for Mr. Ramandeep Singh, Advocate
for respondents no.2 and 3.

LISA GILL, J(Oral).

Prayer in this petition is for quashing of FIR No. 21 dated 01.03.2014, under Sections 406, 498-A, 120-B IPC, registered at Police Station Women, District Ludhiana, along with all other consequential proceedings arising therefrom on the basis of a compromise 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 no.4. Learned counsel for the petitioners and respondents no.2 and 3 submit that respondent no.2 and petitioner no.4 have agreed to accept the decree of divorce granted in U.S.A on 09.10.2014 (Annexure P-3). The entire settled amount has since been

handed over to respondent no.2. It is thus prayed that this petition be allowed.

This Court on 27.03.2018 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 27.03.2018, the parties appeared before the learned Judicial Magistrate Ist Class, Ludhiana, on 04.04.2018. Respondent No.2-Kavita Sharma, though impleaded as a party through respondent no.3-her power of attorney holder-Radhey Sharma (father) appeared before the learned Judicial Magistrate Ist Class Ludhiana in person and suffered a statement to the effect that the matter has been amicably resolved by her with all the accused persons out of her free will, without any pressure or coercion. It is specifically stated that all her claims; past, present and future with regard to alimony etc., stood settled and she has no objection to the quashing of the aforementioned FIR against all the accused-petitioners. Statement of her power of attorney holder-Radhey Sham Sharma was also recorded in respect to the settlement in question. Separate statement of petitioners no.1 to 3 were recorded. Statement

of petitioner no.4 was recorded through his father-Ved Parkash Sharma (petitioner no.1) and power of attorney holder. It is submitted that petitioner no.4 undertakes to abide by all the statements, acts, on his behalf by his power of attorney holder-Ved Parkash Sharma.

As per report dated 13.04.2018, received from the learned Judicial Magistrate Ist Class, Ludhiana, 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. None of the petitioners are reported to be proclaimed offenders. Though, petitioner no.4 was initially declared a proclaimed offender, he was afforded the concession of bail vide order dated 13.11.2017 (Annexure P-1).

Learned counsel for respondents No.2 and 3 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.

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. 21 dated 01.03.2014, under Sections 406, 498-A, 120-B IPC, registered at Police Station Women, District Ludhiana, along with all consequential proceedings are, hereby, quashed.

18.04.2018
s.khan

[LISA GILL]
Judge

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