

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

**CRM-M-7777 of 2018(O&M)  
Date of Decision:04.05.2018**

Surinder Pal

..... Petitioner

Versus

State of Punjab and another

..... Respondents

**CORAM:- HON'BLE MRS.JUSTICE LISA GILL**

Present: Mr.Bhupinder Banga, Advocate  
the petitioner.

Ms. Ruchika Sabharwal, AAG., Punjab.

Mr. Tushar Madaan, Advocate  
for Mr. Imran Ahmed Ali, Advocate  
for respondent no.2.

\*\*\*\*\*

**LISA GILL, J(Oral).**

Prayer in this petition is for quashing of FIR No.155 dated 13.11.2010, under Sections 406, 498-A IPC, registered at Police Station Sadar Banga, District Shaheed Bhagat Singh Nagar, and along with all other consequential proceedings arising therefrom including order dated 03.07.2012 (Annexure P-2) passed by learned Chief Judicial Magistrate, Shaheed Bhagat Singh Nagar, on the basis of a compromise dated 20.01.2018 (Annexure P-3) arrived at between the parties.

It is submitted that order dated 03.07.2012 was passed in contravention of provisions of law as the petitioner was not even in India at the time of registration of the FIR. Moreover, the matter has been amicably resolved between the parties. The petitioner did not come to India since before the registration of the FIR till March 2018

when he was afforded an opportunity to appear before the learned trial Court/Illaq Magistrate by this Court. The petitioner's mother-Tirtho, was acquitted of the charges against her. Moreover, the matter has been amicably resolved between the parties. They have started living together. The petitioner has purchased a house in village Fatuhi, District Hoshiarpur, which is in the ownership and possession of respondent no.2.

Learned counsel for respondent no.2 affirms and verifies the factum of settlement between the parties. It is not denied that the petitioner was not in India at the time of registration of the FIR and has come to India only in the month of March 2018. It is further verified that a house has been purchased for respondent no.2 by the petitioner at village Fatuhi and the same is in her possession. Respondent no.2, it is submitted has no objection to the quashing of the aforementioned FIR as well as order dated 03.07.2012 in view of the settlement between the parties.

This Court on 26.02.2018 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 petitioner is absconding/proclaimed offenders and whether any other case is pending against him. Information was sought as to whether all affected persons are a party to the settlement.

Pursuant to order dated 26.02.2018, the parties appeared before the learned Chief Judicial Magistrate, SBS Nagar, on 30.04.2018. Respondent No.2 stated that the matter has been amicably resolved by her with the petitioner out of her own free will, without any kind of pressure or coercion and she has no objection in case the abovesaid FIR against the petitioner is quashed. Statement of the petitioner as well as ASI Satnam Singh was recorded.

As per report dated 30.04.2018, received from the learned Chief Judicial Magistrate, SBS Nagar, 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. It is mentioned that the co-accused-Tirtho was acquitted by the learned trial Court.

Learned counsel for respondent No.2 affirms and verifies the factum of settlement between the parties. It is not denied that the petitioner was not in India at the time of registration of the FIR and he never came to India till March 2018. It is reiterated that respondent No.2 has no objection to the quashing of the above-mentioned FIR against the petitioner.

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. FIR No.155 dated 13.11.2010, under Sections 406, 498-A IPC, registered at Police Station Sadar Banga, District Shaheed Bhagat Singh Nagar, along with all consequential proceedings including order dated 03.07.2012 (Annexure P-2) passed by learned Chief Judicial Magistrate, Shaheed Bhagat Singh Nagar are, hereby, quashed.

**04.05.2018**

s.khan

**[LISA GILL]**  
**Judge**

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