

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

CRM-M-8113 of 2018 (O&M)
Date of Decision:24.05.2018

Navdeep Singh Chandel

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Ms. Megha Chauhan, Advocate
for Mr. Aman Bahri, Advocate
the petitioner.

Ms. Ruchika Sabharwal, Punjab.

Ms. Rashmi Attri, Advocate
for respondent no.2.

LISA GILL, J(Oral).

CRM-15515 of 2018.

Affidavit dated 27.04.2018 (Annexure R/2), is taken on
record subject to just exceptions.

Application is disposed of.

CRM-M-8113 of 2018.

Prayer in this petition is for quashing of FIR No.0034 dated
08.10.2016, under Sections 406, 498-A IPC, registered at Police Station
Women Cell, SAS Nagar, Mohali, 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. Learned counsel for the petitioner and respondent no.2 submit that petition under Section 13-B of the Hindu Marriage Act, 1955, has been filed by the parties and their statements at first motion have been recorded. A sum of ₹7 lacs has been handed over to respondent no.2. The said petition is listed for hearing for 05.07.2018 for statements of the parties at second motion. Petitioner undertakes to handover rest of the amount (₹7 lacs) to respondent no.2 on the said date. Both the petitioner and respondent no.2 undertake to abide by the terms and conditions of the settlement. It is thus prayed that this petition be allowed.

This Court on 02.05.2018 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 02.05.2018, the parties appeared before the learned Addl. Chief Judicial Magistrate, SAS Nagar (Mohali) on 11.05.2018. Respondent No.2 stated that she has compromised the matter with the petitioner out of her own free will, without any coercion, misrepresentation or undue influence and she has no objection to the

quashing of the aforementioned FIR against the petitioner subject to the petitioner strictly adhering to the terms and conditions of the settlement. Statement of the petitioner in respect to the settlement was recorded.

As per report dated 15.05..2018, received from the learned Addl. Chief Judicial Magistrate, SAS Nagar (Mohali), 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. Petitioner is not reported to be proclaimed offender.

Learned counsel for respondent No.2 on instructions from her client, who is present in Court, reiterates that there is no objection to the quashing of the aforementioned FIR against the petitioner subject to the petitioner strictly adhering to the terms and conditions of the settlement.

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.0034 dated 08.10.2016, under Sections 406, 498-A IPC, registered at Police Station Women Cell, SAS Nagar, Mohali, along with all consequential proceedings are, hereby, quashed.

However, liberty is afforded to respondent No.2 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 petitioner(s) or it is found that the settlement was a mere ruse to have the aforesaid FIR quashed.

24.05.2018
s.khan

[LISA GILL]
Judge

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