

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

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Criminal Misc. No. M-9526-2018 (O&M)

Date of Decision: May 25, 2018.

Ravi Inder Singh and ors.

..... PETITIONERS

Versus

State of Punjab and anr.

..... RESPONDENTS

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Vishal Goel, Advocate, for the petitioners.
Ms. Ruchika Sabharwal, AAG, Punjab.
Mr. Parveen Sharma, Advocate for
Mr. Bhupender Singh, Advocate,
for respondent No. 2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.8 dated 17.02.2015 under Sections 406, 498A IPC registered at Police Station Women, District Patiala, 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. 1.

Learned counsel for the petitioners and respondent No. 2 submit that the matter has been amicably resolved between the parties and petition under Section 13-B of the Hindu Marriage Act, 1955 filed by petitioner No. 1 and respondent No. 2 has since been allowed on 08.03.2018. The entire settled amount has been received by respondent No. 2/complainant. The petitioners undertake to abide by the terms and conditions of the settlement. It is thus, prayed that this petition be allowed.

This Court on 09.03.2018 directed the parties to appear before learned trial court/Illaqa Magistrate for recording their statements in respect to the above-mentioned compromise. Learned trial court/Illaqa 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/Illaqa Magistrate was also directed to intimate whether the petitioners is absconding/proclaimed offender 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 09.03.2018, the parties appeared before the learned Judicial Magistrate First Class, Patiala and their statements were recorded on 03.04.2018. Respondent No.2 stated that the matter has been amicably resolved with the petitioners, arrived at out of her own free will without any pressure, threat or coercion. Respondent No. 2 further stated that she has no objection in case the abovesaid FIR against the accused/petitioners is quashed. Joint statement of the petitioners in respect to the settlement was recorded as well.

As per report dated 04.04.2018 received from the learned Judicial Magistrate First Class, Patiala, it is opined that the compromise between the parties is genuine and arrived out of their own free will without any pressure, threat or coercion. Statements of the parties are appended alongwith the said report. None of the accused/petitioners are reported to be proclaimed offenders.

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 in case the abovementioned FIR is quashed subject to the petitioners strictly adhering to the terms and conditions of the settlement.

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.8 dated 17.02.2015 under Sections 406, 498A IPC registered at Police Station Women, District Patiala, alongwith all consequential proceedings are, hereby, quashed.

May 25, 2018
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(LISA GILL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No