
(2018) 04 P&H CK 0219

In the Punjab And Haryana At Chandigarh

Case No : Criminal Misc. No. M-47492-2017 (O&M)

Karnail Singh And Ors

APPELLANT

Vs

State Of Punjab Nd Anr

RESPONDENT

Date of Decision : 06-04-2018

Acts Referred:

Hindu Marriage Act, 1955 — Section 13-B

Citation : (2018) 04 P&H CK 0219

Hon'ble Judges : Lisa Gill, J

Bench : Single Bench

Final Decision : Allowed

Judgement

LISA GILL, J.

Prayer in this petition is for quashing of FIR No. 135 dated 25.06.2010, under Sections 498-A, 464, 34 IPC, registered at Police Station Machhiwara,

District Khanna (Annexure P-1) 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.2. With the intervention of respectables and relatives, a compromise was arrived at between the parties, the terms of which were reduced into writing on 16.07.2010 (Annexure P-2). The petitioner No. 2 and respondent No. 1 decided to part way.

Learned counsel for the petitioners and respondent No. 2 submit that petition under Section 13-B of the Hindu Marriage Act filed by petitioner No. 2 and respondent No.2 was allowed on 26.04.2012. It is further informed that

respondent No.2 has since remarried with one Gurdeep Singh and has no objection to the quashing of the aforesaid FIR against all the petitioners. Certified copy of consent judgment and decree dated 26.04.2012 passed by the learned Additional Civil Judge (Sr.Divn.), Samrala, filed in Court today, is taken on record, subject to just exceptions.

This Court on 13.12.2017 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 any of the petitioners are absconding/proclaimed offenders and number of persons arrayed as accused.

Pursuant to order dated 13.12.2017, the parties appeared before the learned Judicial Magistrate First Class, Samrala and their statements were recorded on 24.01.2018. Respondent No.2 stated that the matter has been amicably resolved by her with all the petitioners out of own free will without any pressure, undue influence, coercion, inducement, threat or promise. Respondent No.2 stated that she has no objection in case the abovesaid FIR against all the five (5) petitioners is quashed. Statements of all the petitioners in respect to the settlement were recorded as well.

As per report dated 19.03.2018 received from the learned Judicial Magistrate First Class, Samrala, satisfaction is expressed that the compromise between the parties is genuine, voluntary and without any coercion or undue influence. It is specifically mentioned that respondent No.2 dissolved her marriage with petitioner No.2 on 26.04.2012 and she has solemnized marriage with Gurdeep Singh, thereafter. None of the petitioners are reported to be proclaimed offenders. 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, on instructions from HC Lakhwinder Singh, submits that as the abovesaid FIR arises out of a matrimonial dispute, the State has no objection to the quashing of the FIR in question as well as all consequential proceedings 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 “the 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. 135 dated 25.06.2010, under Sections 498-A, 464, 34 IPC, registered at Police Station Machhiwara, District

Khanna alongwith all consequential proceedings are, hereby, quashed.