

**IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH**

Crl. Misc. No. M- 29560 of 2014(O&M)

Date of Decision: January 30, 2015.

Gaurav Soni and another

..... PETITIONER(s)

Versus

State of Punjab and another

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Pardeep Rajput, Advocate
for the petitioners.

Mr. Surjeet S.Chaudhary, DAG, Punjab.

Mr. Anil Chawla, Advocate
for respondent No.2.

LISA GILL, J.

1. Prayer in this petition is for quashing of FIR No.27 dated 31.01.2013, under Sections 406/498A/120B IPC, registered at police station Chherratta Amritsar and all other consequential proceedings arising therefrom on the basis of compromise dated 08.05.2014, Annexure P2, having been entered into between the parties.

2. The abovesaid FIR was registered on an application moved by respondent No.2 -Ruchika Soni alleging the commission of offences punishable under Sections 406/498A/120B IPC.

3. Due to the intervention of respectables, elders and friends, a compromise is stated to have been arrived at between the parties on 08.05.2014, Annexure P2. The parties wish to live in peace and harmony and put an end to the acrimony between them.

4. This FIR arises out of a matrimonial dispute between the parties, which has since been amicably resolved vide the abovementioned settlement.

5. This Court on 29.08.2015 had directed the parties to appear before learned trial court/Illaqa Magistrate on 15.09.2014 for getting their statements recorded in respect to the abovementioned compromise. Learned trial court was directed to submit a report regarding the genuineness of the compromise and also about the status/stage of the case. Learned trial court was also directed to intimate whether any of the petitioners are proclaimed offenders and whether all accused persons are party to the settlement.

6. Pursuant thereto, report dated 1.11.2014 has been received from the learned Judicial Magistrate First Class, Amritsar wherein it is verified that the settlement arrived at between the parties is genuine and same has been arrived at without any threat, pressure or coercion. Complainant has stated that she has indeed settled the matter and has no objection to the quashing of this FIR. Photocopies of the statements of the complainant as well as other effected persons have been appended alongwith the report.

7. Learned counsel for respondent No.2 – Ruchika Soni admits the factum of settlement between the parties and submits that respondent No.2 has no objection to the quashing of the FIR on the basis of compromise arrived at between the parties. Affidavit dated 02.12.2014 of respondent No.2 has been

filed in Court today, which is taken on record subject to all just exceptions.

8. Learned counsel for the State, on instructions from ASI Baldev Singh, submits that the dispute between the parties is matrimonial in nature. He verifies the factum of settlement arrived at between the parties. The petitioners are not proclaimed offenders and there is no other case pending against them.

9. 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”.

10. In view of the above, it would be in the interest of justice to quash the abovesaid FIR as no useful purpose would be served by continuing the present proceedings. It will only lead to wastage of precious time of the court and would be an exercise in futility.

11. This petition is, thus, allowed and FIR No.27 dated 31.01.2013, under Sections 406/498A/120B IPC, registered at police station Chherratta Amritsar alongwith all consequential proceedings are, hereby, quashed.

(LISA GILL)
JUDGE

January 30, 2015.
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