

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

Crl. Misc. No. M- 16029 of 2014(O&M)

Date of Decision: February 27, 2015.

Saroop Singh @ Saroopi and others

..... PETITIONER(s)

Versus

State of Punjab and another

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Baljinder Singh, Advocate for
Mr. Sandeep Sharma, Advocate
for the petitioners.

Mr. K.S.Sidhu, DAG, Punjab.

Mr. SPS Aulakh, Advocate
for respondent No.2.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

LISA GILL, J.

1. Prayer in this petition is for quashing of FIR No.2 dated 05.01.2013, under Sections 452/323/325/201/34 IPC registered at police station Banur and all other consequential proceedings arising therefrom on the basis of compromise having been entered into between the parties.

2. Aforesaid FIR has been registered on the basis of statement of Kamaljeet Singh, respondent No.2 alleging the commission of offences punishable under Sections 452/323/325/201/34 IPC by the petitioners.

3. Due to the intervention of respectables, elders and friends, a compromise has been arrived at between the parties on 05.05.2014. The parties wish to live in peace and harmony and put an end to the acrimony between them. The present petition has been filed on the basis of this compromise.

4. This Court on on 18.07.2014 and 19.11.2014 had directed the parties to appear before learned trial court for getting their statements recorded in respect to the above-mentioned compromise. Learned trial Court was directed to submit the report specifying the number of accused arrayed in the FIR and how many had appeared before it. Information was sought whether any of the accused is absconding or declared proclaimed offender, the name of complainant and injured and whether all of them had appeared and got recorded their statements. It was also directed that it be opined whether the compromise between the parties is genuine, voluntarily and has arisen out of free will of the parties.

5. Pursuant to orders dated 18.07.2014 and 19.11.2014, report dated 09.12.2014 has been received from the learned Judicial Magistrate First Class, Mohali wherein it is stated that complainant-respondent No.2 Kamlajeet Singh has got recorded his statement to the effect that he has settled the matter with the petitioners out of his own sweet will and without any pressure, coercion or undue influence. He does not want to pursue the proceedings any longer against the petitioners and stated that he has no objection if the FIR is quashed. Statements of all the parties were recorded and are attached alongwith the report.

6. Mr. SPS Aulakh, Advocate, learned counsel for respondent No.2 reiterates the factum of settlement between the parties and submits that

respondent No.2 has no objection to the quashing of the aforementioned FIR against the petitioners.

7. Learned counsel for the State, on instructions from ASI Nahar Singh, submits that petitioner, Sarup Singh @ Saroopi stands discharged in all other cases mentioned in Para 1 of reply dated 01.09.2014. None of the petitioners are proclaimed offenders.

8. 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”.

9. 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 as the chances of conviction of the petitioners are bleak.

10. This petition is, thus, allowed and FIR No.2 dated 05.01.2013, under Sections 452/323/325/201/34 IPC registered at police station Banur alongwith all consequential proceedings is, hereby, quashed.

February 27, 2015.
'om'

(LISA GILL)
JUDGE