

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

Crl. Misc. No. M- 19541 of 2014(O&M)

Date of Decision: January 30, 2015.

Faqiria @ Pappu and others

..... PETITIONER(s)

Versus

State of Punjab and others

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. G.N.Malik, Advocate
for the petitioners.

Mr. Surjeet S.Chaudhary, DAG, Punjab.

Mr. Mohammad Imran, Advocate
for respondents No.2 and 3.

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.88 dated 24.08.2013, under Sections 451/324/323/427/506/34 IPC registered at police station City-2 Malerkotla, District Sangrur and all other consequential proceedings arising therefrom on the basis of compromise having been entered into between the parties.

2. The abovesaid FIR has been registered on the basis of statement of respondent No.2 – Mohd. Irfan @ Kasi son of Abdul Salam alleging the commission of offences punishable under Sections 451/324/323/427/506/34 IPC.

3. Due to the intervention of respectables, elders and friends, a compromise is stated to have been arrived at between the parties on 24.05.2014. The parties wish to live in peace and harmony and put an end to the acrimony between them. They belong to the same area.

4. This Court on 17.12.2014 had directed the parties to appear before learned trial court on or before 06.01.2015 for getting their statements recorded 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.

5. Learned trial court was also directed to intimate whether any of the petitioners are proclaimed offenders and regarding any other case pending against them. Information was sought as to whether all affected persons are a party to the settlement.

6. Pursuant thereto, report dated 19.01.2015 has been received from the learned Sub Divisional Judicial Magistrate, Malerkota wherein the compromise arrived at between the parties has been found to be entered into voluntarily without any pressure or coercion. Complainant – Mohd. Irfan, appeared and stated that he has no objection to the quashing of the present FIR as the matter has been amicably settled. Copies of the statements of the complainant as well as accused persons have been appended alongwith the report. None of the accused

persons are proclaimed offenders. It is also observed that all the affected persons are signatories to the compromise.

7. Mr. Mohammad Imran, Advocate puts in appearance on behalf of respondents No.2 and 3 and reiterates the settlement between the parties and submits that respondents No.2 and 3 have no objection to the quashing of the FIR.

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.

10. This petition is, thus, allowed and FIR No.88 dated 24.08.2013, under Sections 451/324/323/427/506/34 IPC registered at police station City-2 Malerkotla, District Sangrur alongwith all consequential proceedings is, hereby, quashed.

January 30, 2015.
'om'

(LISA GILL)
JUDGE