

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Crl. Misc. No. 23075-M of 2013

Date of Decision: 19.02.2015.

Kailash Kaur and another PETITIONER (s)

Versus

State of Punjab and another
..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr.V.K. Thakur, Advocate,
for the petitioners.
Mr. Deepak Garg, A.A.G., Punjab.
Mr. Kirpal Singh Thakur, Advocate,
for respondent No.2.

LISA GILL, J.(Oral)

This petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of the FIR No.162 dated 16.11.2002, under Sections 420, 406, 120B IPC and 24 of The Emigration Act, 1983 registered at Police Station, Bholath, District Kapurthala, on the basis of compromise dated 04.04.2010 (Annexure P-2).

The above said FIR had been registered on the basis of the statement made by Lakhwant Singh respondent

No.2 alleging the commission of offences punishable under Sections 420, 406, 120B IPC and 24 of The Emigration Act, 1983 .

This petition was registered on the application by Lakhwant Singh s/o Surjan Singh.

On the intervention of respectables, elders and friends, a compromise is stated to have been arrived at between the parties on 04.04.2010 (Annexure P-2). The matter has been amicably settled between the parties. The parties wish to live in peace and harmony and want to put an end to the acrimony between them.

It is submitted by the learned counsel for the petitioner that though earlier he had been declared as proclaimed offender but thereafter they have surrendered and submitted to the jurisdiction of the Court. It is submitted that in an another matter i.e. F.I.R. No.99 dated 14.06.2002 registered under Sections 420,406 IPC and 24 of The Emigration Act, 1983, this Court has quashed the same vide order dated 17.01.2008 passed in Criminal Misc. No. M 45552 of 2007. Petitioners have been falsely implicated in another F.I.R. No.53 dated 16.03.2013 under Sections 489-A, 489-B, 489-C and 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985. However, they are on bail in the said case and trial is in progress. He further submits that the case

F.I.R.No.162 dated 16.11.2002, under Sections 420, 406 and 120-B,IPC and 24 of The Emigration Act, 1983 is pending regarding quashing of the above said F.I.R, on the basis of compromise arrived at between the parties. Affidavit dated 19.09.2014 of D.S.P. Bholath has been filed in regard to the said cases.

This court on 28.10.2013 had directed both the parties to appear before the learned trial Court on 22.11.2013 or any other date convenient to the Court for recording their statements with regard to compromise. The trial Court was directed to record the statements of both the parties to its satisfaction to know its genuineness that the statements are not the result of any pressure or coercion in any manner. The trial Court was directed to send a report along with statements of the parties with regard to validity or otherwise of the compromise effected between the parties and also intimate whether any case is pending against either of the parties or not before the next date of hearing. The trial Court was also directed to intimate with regard to pendency of any proclaimed offender proceedings against the parties.

Pursuant thereto report dated 30.05.2014 has been received from the learned Judicial Magistrate 1st Class, Kapurthala wherein it is observed that the compromise/settlement has been arrived at between the

parties without any fear, pressure or allurement. Respondent No.2 has stated that he has no objection to the quashing of the aforesaid FIR.

Learned counsel for respondent No.2 admits the factum of the said compromise/settlement between the parties and states that complainant Lakhwant Singh has no objection to the quashing of the said FIR qua both the petitioners.

Learned counsel for the State also verifies that settlement has been arrived at between the parties.

In Kulwinder Singh and others versus State of Punjab and another, 2007(3) R.C.R. 1052, a five member Bench of this court has observed,

“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 Code of Criminal Procedure 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”.

Keeping in view the facts and circumstances of the present case, no useful purpose would be served by continuing the proceedings except wastage of precious time of the court. The chances of conviction are absolutely bleak,

therefore, it is in the interest of justice to quash the above said FIR.

The present petition is, thus, allowed and FIR No.162 dated 16.11.2002, under Sections 420, 406, 120B IPC and 24 of The Emigration Act, 1983 registered at Police Station, Bholath, District Kapurthala, as well as consequential proceedings arising therefrom are hereby quashed.

19.02.2015.
Anoop

(LISA GILL)
JUDGE