

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

Crl. Misc. No. M- 23047 of 2014(O&M)

Date of Decision: January 12, 2015.

Satpal and others

..... PETITIONER(s)

Versus

State of Punjab and others

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. A.S.Manaise, Advocate
for the petitioners.

Mr. Surjeet S.Chaudhary, DAG, Punjab.

Mr. Gagandeep Singh, 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.32 dated 29.05.2012, under Sections 324/323/325/427/34 IPC, registered at police station Sadar Gurdaspur, District Gurdaspur and all other consequential proceedings arising therefrom on the basis of compromise having been entered between the parties.

2. The abovesaid FIR was registered on the basis of a statement of

Sukhwinder Singh, respondent No.2 alleging the commission of offences punishable under Sections 324/323/325/427/34 IPC. Balbir Kumar, respondent No.3 also having been injured in the alleged occurrence, is an affected person.

3. Due to the intervention of respectables, elders and friends, a compromise/settlement has been arrived at between the parties on 05.07.2014, Annexure P2. A fresh compromise signed by both the parties with complete details of names, parentage of parties and attesting witnesses, who vouchsafe for the terms of settlement was directed to be placed on record. The same is on record as Annexure P7. The parties wish to live in peace and harmony and put an end to the acrimony between them.

4. This Court on 25.11.2014 had directed the parties to appear before learned Illaqa Magistrate on or before 12.12.2014 for getting their statements recorded in respect to the above-mentioned compromise. Learned Illaqa Magistrate 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 has also been directed to intimate whether any of the petitioners are proclaimed offenders and regarding any other case pending against them. Information was also sought as to whether all affected persons are a party to the settlement.

6. Pursuant thereto, report dated 12.12.2014 has been received from the learned Additional Chief Judicial Magistrate, Gurdaspur wherein it is observed that the settlement has been effected between the complainant, injured and the co-accused persons and the said settlement is genuine and outcome of

the free will of the parties without any coercion, threat or undue pressure. None of the accused is stated to be a proclaimed offender or convicted in any other case. Petitioner No.1 – Satpal is stated to be involved in FIR No.9/2014. But he was declared innocent by the police during investigation in the same as per his affidavit. Statements of the parties have been appended alongwith the said report.

7. Learned counsel for respondents No.2 and 3 affirms the factum of the compromise between the parties and submits that the said respondents have no objection to the quashing of the FIR.

8. Learned counsel for the State, on instructions from HC Surjit Singh, also affirms the factum of compromise between the parties. 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 the futility.

11. This petition is, thus, allowed and FIR No.32 dated 29.05.2012, under Sections 324/323/325/427/34 IPC, registered at police station Sadar Gurdaspur, District Gurdaspur alongwith all consequential proceedings are, hereby, quashed.

January 12, 2015.
'om'

(LISA GILL)
JUDGE