

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

244 **Criminal Misc. M- No.23725 of 2014 (O&M)**
Date of decision : 06.01.2015

Baljeet Singh and othersPetitioners

Versus

State of Punjab and anotherRespondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Pritpal Singh Miglani, Advocate
for the petitioners.

Mr. S.S. Chaudhary, DAG, Punjab

LISA GILL, J.

1. This petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of FIR No. 222 dated 21.12.2013 registered under Sections 341, 323, 34, 308 Indian Penal Code (for short 'IPC') at Police Station Kulgari and all other consequential proceedings arising therefrom on the basis of an amicable settlement arrived at between the parties.

2. The above said FIR has been registered on the statement of Daljeet Singh son of Chanan Singh - respondent No. 2 alleging commission of offences under Sections 341, 323, 34, 308 IPC. Initially, FIR was registered under Sections 341, 343, 34 IPC, Section 308 IPC was added subsequently. It is submitted that Section 308 IPC in any case is not attracted in this case.

3. Due to the intervention of respectables, elders and friends, a compromise is stated to have been arrived at between the parties on 20.02.2014. 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 dated 20.02.2014 (Annexure P-2).

4. This Court on 26.11.2014 had directed the parties to appear before learned Illaqa Magistrate, Ferozepur 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. Pursuant to order dated 26.11.2014, report dated 03.01.2015 has been received from Judicial Magistrate First Class, Ferozepur wherein it is observed that the settlement arrived at between the parties is genuine, voluntary and without any coercion, pressure or undue influence. Complainant Daljeet Singh – respondent No. 2 appeared and got his statement recorded that he has settled the matter with the petitioners and he does not wish to continue with the proceedings. The settlement is stated to have been arrived at out of his own free will, without any pressure or coercion. Copies of the statements of the parties have been appended alongwith the report.

6. On 26.11.2014 Ms. Jaspinder Kaur Bedi, learned counsel for the complainant – respondent No. 2 had submitted that respondent No. 2, who was present in Court on that day has no

objection to the quashing of above mentioned FIR on the basis of settlement arrived at between the parties.

7. Learned counsel for the State, on instructions from ASI Balwinder Kumar, submits that the challan/report under Section 173 Cr.P.C. has not been submitted. The State has no objection to this compromise and quashing of this FIR on the basis of settlement between the parties.

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 the precious time of the court and would be an exercise in futility.

11. This petition is, thus, allowed and FIR No. 222 dated 21.12.2013 registered under Sections 341, 323, 34, 308 IPC at Police Station Kulgari alongwith all consequential proceedings are, hereby, quashed.

January 06, 2015
rts

(LISA GILL)
JUDGE