

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Crl. Misc. No. 25176-M of 2014

Date of Decision: 13.01.2015.

Swaran Kaur and others PETITIONER (s)

Versus

State of Punjab and others RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr.Ravi Malhotra, Advocate,
for the petitioners.

Mr. S.S. Chaudhary, DAG, Punjab.

Ms. Surinder Kaur, Advocate
for respondents No.2 to 8.

LISA GILL, J.(Oral)

This petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of the FIR No.105 dated 16.06.2014, under Sections 323, 324, 148, 149 IPC, registered at Police Station Mahetpur, District Jalandhar, on the basis of compromise dated 09.07.2014 (Annexure P-2).

The above said FIR had been registered on the basis of the statement made by Bakhtawar Singh respondent No.2 alleging the commission of offences

punishable under Sections 323, 324, 148, 149 IPC.

On the intervention of respectables, elders and friends, a compromise is stated to have been arrived at between the parties on 09.07.2014 (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.

This court on 27.10.2014 had directed both the parties to appear before the learned Illaqa Magistrate, Nakodar to get their statements recorded in respect to the compromise. The Illaqa Magistrate was also directed to submit a report regarding the genuineness of the compromise, whether it has been entered into out of the free will and volition of the parties, without any fear, apprehension, undue influence or coercion. Information was also sought whether the petitioners are proclaimed offenders and whether all the affected persons in this case are signatory to the compromise in question as well the pendency of any other case against the petitioners.

Report dated 03.11.2014 has been received from the learned Chief Judicial Magistrate, Nakodar, wherein it is observed that the compromise/settlement has been arrived at between the parties without any fear, pressure or allurements. Original statements of the parties have been appended alongwith the report. The petitioners are not

proclaimed offenders and no other case is pending against them.

Complainant Bakthawar Singh respondent No.2 has also recorded his statement that the matter has been settled without any fear, pressure or allurement. There is no objection to the quashing of the said FIR.

Gurmail Singh son of Buta Singh petitioner No.3, the complainant in the cross-version has also got the statement recorded admitting and affirming the factum of settlement between the parties. He also does not wish to proceed against the accused persons. Statement of all the affected persons have been recorded and are appended alongwith the report.

Ms.Surinder Kaur, Advocate puts in appearance on behalf of respondents No.2 to 8. Power of attorney is taken on record. Factum of the settlement between the parties is affirmed and verified. She states that the above mentioned respondents have no objection to the quashing of the aforementioned FIR.

Learned counsel for the State on instructions from ASI Balwinder Singh also affirms the factum of the settlement 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.105 dated 16.06.2014, under Sections 323, 324, 148, 149 IPC, registered at Police Station Mahetpur, District Jalandhar, as well as consequential proceedings arising therefrom are hereby quashed.

13.01.2015.
Anoop

(LISA GILL)
JUDGE