

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Criminal Misc. M- No. 25964 of 2014 (O&M)

Date of decision : 16.01.2015

Rakesh Kumar Hans and others

.....Petitioners

Versus

State of Punjab and another

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Amandeep Chhabra, Advocate
for the petitioners.

Mr. Kirat Singh Sidhu, DAG, Punjab

Mr. Anoop Singla, Advocate
for respondent No. 2.

LISA GILL, J.

1. This petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of FIR No. 31 dated 30.04.2013 registered under Sections 420, 465, 467, 468, 471, 120-B Indian Penal Code (for short 'IPC') at Police Station Kabarwala, District Sri Muktsar Sahib 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 Gagan Chugh - respondent No. 2 alleging commission of offences under Sections 420, 465, 467, 468, 471, 120-B IPC.

3. Due to the intervention of respectables, elders and friends, a compromise is stated to have been arrived at between the parties on 28.07.2014. 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.

4. This Court on 02.08.2014 had directed the parties to appear before learned Area Magistrate for getting their statements recorded. Learned Area Magistrate was directed to submit a report regarding the genuineness and validity or otherwise of the compromise. He was also directed to send a report regarding stage (status) of the case and how many total accused are involved.

5. Pursuant to order dated 02.08.2014, statement of the complainant Gagan Chugh was recorded by the Court to the effect that he has settled the matter out of his free will and volition and did not wish to proceed against all the accused persons namely Rakesh Kumar Hans, Manish Kumar alias Puneet Kumar Hans, Medam Chandni, Sameer Kumar, Rahul Yadav alias Manoj Yadav alias Tyagi, Dogra, Premjit Rai, Sagar and Gunnu and he has no objection if the said FIR is quashed. Statements of the parties have been appended alongwith the report.

6. Statement of two of the petitioners were recorded at the first instance on 25.08.2014. Thereafter, statements of five of the petitioners namely Manish Kumar, Chandni, Rahul Yadav, Dogra and Premjit Rai were recorded on 22.09.2014 and the remaining two Sagar and Gunnu @ Pushpinder Singh were recorded on 26.09.2014.

7. Learned counsel for the complainant affirms the factum of settlement between the parties and states that the same has been entered into for the welfare of the parties. Respondent No. 2 – Gagan

Chugh has no objection whatsoever to the quashing of above mentioned FIR qua all the accused persons.

8. Learned counsel for the State, on instructions from ASI Pritpal Singh also confirms the factum of settlement between the parties and submits that the State has no objection to this compromise and quashing of this FIR.

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

11. This petition is, thus, allowed and FIR No. 31 dated 30.04.2013 registered under Sections 420, 465, 467, 468, 471, 120-B IPC at Police Station Kabarwala, District Sri Muktsar Sahib alongwith all consequential proceedings are, hereby, quashed.

January 16, 2015
rts

(LISA GILL)
JUDGE