

**IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH**

Crl. Misc. No. M- 26565 of 2014(O&M)

Date of Decision: February 4, 2015.

Jaswant Singh and another

..... PETITIONER(s)

Versus

State of Punjab and another

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Ms. Shikha Khullar, Advocate
for the petitioners.

Mr. K.S.Sidhu, DAG, Punjab.

Mr. Vivek Aggarwal, Advocate
for respondent No.2.

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.115 dated 06.04.2003, under Sections 452/427/323/504/34 IPC, registered at police station Sarabha Nagar, District Ludhiana and all other consequential proceedings arising therefrom on the basis of compromise dated 02.04.2014, Annexure P1, having been entered into between the parties.

2. The aforesaid FIR has been registered on the statement of Arun Arora, respondent No.2 alleging the commission of offences punishable under Sections 452/427/323/504/34 IPC by the petitioners.

3. Due to the intervention of respectables, elders and friends, a compromise has been arrived at between the parties on 02.04.2014. The parties wish to live in peace and harmony and put an end to the acrimony between them.

4. This Court on 26.08.2014 had directed the parties to appear before learned trial court for getting their statements recorded in respect to the above-mentioned compromise. Learned trial court was directed to submit a report regarding the genuineness of the compromise entered into between the parties.

5. Pursuant thereto, report dated 17.11.2014 has been received from the learned Judicial Magistrate First Class, Ludhaina wherein it is stated that that the settlement/compromise arrived at between the parties is genuine and entered into voluntarily. Complainant-Arun Grover as well as the petitioners had appeared and got their statements recorded. The said statements of the petitioners and the complainant have been appended alongwith the report.

6. Mr. Vivek Aggarwal, Advocate puts in appearance on behalf of respondent No.2-Arun Grover and reiterates the factum of settlement between the parties. It is submitted that respondent No.2 has no objection to the quashing of the aforementioned FIR against the petitioners.

7. 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”.

8. 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 futility as the chances of conviction of the petitioners are bleak.

9. This petition is, thus, allowed and FIR No.115 dated 06.04.2003, under Sections 452/427/323/504/34 IPC, registered at police station Sarabha Nagar, District Ludhiana alongwith all consequential proceedings is, hereby, quashed.

February 4, 2015.
'om'

(LISA GILL)
JUDGE