

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

Crl. Misc. No. M- 32070 of 2013(O&M)

Date of Decision: February 13, 2015.

Sukhbir Singh Dhillon and others

..... PETITIONER(s)

Versus

State of Punjab and another

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Ms. Jasleen Kaur, Advocate
for the petitioners.

Mr. Vaun Sharma, AAG, Punjab.

Mr. Ranjit Singh Kalra, 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 Complaint case No.030501001/452005 dated 13.08.2005 titled 'Balwinder Kumar v. Vijay Mohan and others', under Sections 323/324/326/341/34 IPC and Section 3(x) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989, pending in the court of learned Additional Chief Judicial Magistrate, Hoshiarpur and all other consequential proceedings arising therefrom on the basis of compromise dated 09.09.2013, Annexure P3, having been entered into between

the parties.

2. Aforesaid complaint has been filed by Balwinder Kumar, respondent No.2 alleging the commission of offences punishable under Sections 323/324/326/341/34 IPC and Section 3(x) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989, by the petitioners.

3. Due to the intervention of respectables, elders and friends, a compromise has been arrived at between the parties on 09.09.2013. 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 24.09.2013 had directed the parties to appear before learned trial court on 19.10.2013 for getting their statements recorded in respect to the above-mentioned compromise. Learned trial court was directed to submit a report regarding the authenticity of the compromise, as to whether it has been arrived at out of the free will and volition of the parties without any kind of undue influence or pressure.

Statement of Inderjit Singh, petitioner No.3 could not be recorded on an earlier occasion. This Court on 14.10.2014 allowed one more opportunity to petitioner No.3 to record his statement in respect to the abovesaid compromise.

5. Pursuant thereto, reports dated 26.10.2013 and 03.11.2014 have been received from the learned Additional Chief Judicial Magistrate, Hoshiarpur wherein it is observed that respondent No.2/complainant and the petitioners have voluntarily entered into compromise without any pressure. The statements of the parties have been appended alongwith the said report.

6. Mr. Ranjit Singh Kalra, Advocate, learned counsel for respondent

No.2 reiterates the factum of settlement between the parties and submits 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 Complaint case No.030501001/452005 dated 13.08.2005 titled 'Balwinder Kumar v. Vijay Mohan and others', under Sections 323/324/326/341/34 IPC and Section 3(x) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989, pending in the court of learned Additional Chief Judicial Magistrate, Hoshiarpur alongwith all consequential proceedings is, hereby, quashed.

(LISA GILL)
JUDGE

February 13, 2015.
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