

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

Crl. Misc. No. M- 31986 of 2014(O&M)

Date of Decision: January 30, 2015.

Vicky

..... PETITIONER(s)

Versus

State of Punjab and another

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. L.S.Mann, Advocate
for the petitioners.

Mr. Surjeet S.Chaudhary, DAG, Punjab.

Mr. S.K.Daaria, Advocate for
Mr. Digvijay Nagpal, 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.240 dated 29.08.2013, under Sections 406/420 IPC and Section 24 of the Emigration Act, registered at police station Nakodar, District Jalandhar and all other consequential proceedings arising therefrom on the basis of compromise having been entered into between the parties.

2. The aforementioned FIR has been registered on the basis of an application dated 29.05.2013 moved by respondent No.2 – Tirath Singh alleging the commission of offences punishable under Sections 406/420 IPC and Section 24 of the Immigration Act, 1983.

3. Due to the intervention of respectables, elders and friends, a compromise has been arrived at between the parties on 03.09.2014. The parties wish to live in peace and harmony and put an end to the acrimony between them. They belong to nearby villages. The present petition has been filed on the basis of this compromise, Annexure P2. It is submitted that no offence punishable under Section 24 of the Immigration Act, 1983 is revealed in the said FIR.

4. This Court on 16.09.2014 had directed the parties to appear before learned trial court for getting their statements recorded in respect to the abovesaid compromise. Learned trial court was directed to submit a report regarding the genuineness of the compromise and also about the status/stage of the case. Learned trial court was also directed to intimate whether any of the petitioners are proclaimed offenders and whether all accused persons are party to the settlement.

5. Pursuant thereto, report dated 29.11.2014 has been received from the learned Sub Divisional Judicial Magistrate, Nakodar wherein it is stated that the settlement arrived at between the parties is genuine, arrived at out of their free will and without any pressure or coercion. It is also mentioned that there is only one accused in this case. Complainant – Tirath Singh has recorded his statement to the effect that he has no objection to the quashing of

the aforementioned FIR. Statement of the petitioner has also been recorded. The same are appended alongwith the report.

6. Mr. S.K.Daaria, Advocate for Mr. Digvijay Nagpal, Advocate, learned counsel for respondent No.2 admits the factum of settlement between the parties and submits that respondent No.2 – Tirath Singh has no objection to the quashing of the abovesaid FIR.

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.

9. This petition is, thus, allowed and FIR No.240 dated 29.08.2013, under Sections 406/420 IPC and Section 24 of the Immigration Act, 1983 registered at police station Nakodar, District Jalandhar alongwith all consequential proceedings is, hereby, quashed.

January 30, 2015.
'om'

(LISA GILL)
JUDGE