

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

Crl. Misc. No. M- 32737 of 2014(O&M)

Date of Decision: February 4, 2015.

Sonu PETITIONER(s)

Versus

State of Haryana and another RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Sandeep Lather, Advocate
for the petitioner.

Mr. Pawan Girdhar, Addl.A.G., Haryana.

Mr. Vimal Singh, 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.214 dated 24.04.2014, under Sections 363/366A IPC and Sections 3(2)(5) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989, registered at police station Assandh, District Karnal and all other consequential proceedings arising therefrom on the basis of compromise (Annexure P2) having been entered into between the parties.

2. The abovesaid FIR has been registered on the complaint moved by

Chrandass, respondent No.2 alleging the commission of offences punishable under Sections 363/366A IPC and Sections 3(2)(5) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989 by the petitioner.

3. Due to the intervention of respectables, elders and friends, a compromise has been arrived at between the parties reduced into writing on 19.09.2014, Annexure P2. The parties wish to live in peace and harmony and put an end to the acrimony between them.

4. This Court while issuing notice of motion on 22.09.2014 had directed the parties to appear before learned Illaqa Magistrate for getting their statements recorded in respect to the above-mentioned compromise. Learned Illaqa Magistrate was directed to submit a report regarding the validity or otherwise of the compromise after recording the statements of all the concerned parties.

5. Pursuant to order dated 22.09.2014, parties had appeared before the learned Illaqa Magistrate and had got their statements recorded in respect to the compromise. Report dated 31.10.2014 had been submitted by the learned Sub Divisional Judicial Magistrate, Assandh by observing that the matter has been settled between the parties without any fear or pressure and the settlement had been arrived at voluntarily. Statement of the complainant – Chrandass, respondent No.2 was recorded to the effect that he does not wish to proceed against the petitioner in any manner on account of the settlement between them.

On 16.12.2014, this Court had directed that statement of the alleged victim be also recorded in respect to the settlement arrived at between the parties.

Thereafter, a report dated 23.12.2014 has been received from the learned Sub

Divisional Judicial Magistrate, Assandh. Statement of victim – Shalu was recorded wherein she has stated that the settlement between the parties had been arrived at voluntarily, without any fear and pressure. She has stated her age to be 17 years. She does not wish the proceedings to be continued against the petitioner. Original statement has been attached alongwith the report.

6. Mr. Vimal Singh, learned counsel for respondent No.2 reiterates the factum of settlement between the parties and submits that respondent No.2 as well as the alleged victim have no objection to the quashing of the aforesaid FIR qua the petitioner. Reply by way of affidavit of respondent No.2 has also been filed to this effect.

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.214 dated 24.04.2014, under Sections 363/366A IPC and Sections 3(2)(5) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989, registered at police

station Assandh, District Karnal alongwith all consequential proceedings is,
hereby, quashed.

February 4, 2015.
'om'

(LISA GILL)
JUDGE