

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

Crl. Misc. No. M- 33205 of 2014(O&M)

Date of Decision: February 6, 2015.

Dalbir Singh

..... PETITIONER(s)

Versus

State of Punjab and others

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. H.K.Brinda, Advocate
for the petitioner.

Mr. Surjeet S.Chaudhary, DAG, Punjab.

Mr. Manoj Pundir, Advocate
for respondents No.4 and 5.

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.89 dated 21.06.2014, under Section 307 IPC, registered at police station Bassi Pathana, District Fatehgarh Sahib and all other consequential proceedings arising therefrom on the basis of compromise having been entered into between the parties.

2. Aforesaid FIR has been registered on the basis of statement of Kashmir Singh, respondent No.4 alleging the commission of offence punishable under Section 307 IPC by the petitioner.

Learned counsel for the petitioner submits that the injury allegedly attracting the offence punishable under Section 307 IPC has been declared grievous in nature.

3. Due to the intervention of respectables, elders and friends, a compromise has been arrived at between the parties on 17.09.2014, Annexure P2. 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 27.11.2014 had directed the parties to appear before the concerned Illaqa Magistrate on or before 12.12.2014 for getting their statements recorded in respect to the above-mentioned compromise. Learned Illaqa Magistrate was directed to submit a report regarding the genuineness of the compromise, as to whether it has been arrived at out of the free will and volition of the parties without any coercion, fear or undue influence.

5. Learned trial court was also directed to intimate whether any of the petitioners are proclaimed offenders and regarding any other case pending against them. Information was also sought as to whether all affected persons are a party to the settlement.

6. Pursuant thereto, report dated 07.01.2015 has been received from the learned Chief Judicial Magistrate, Fatehgarh Sahib wherein it is observed that compromise arrived at between the parties is genuine and voluntary and

entered into without any pressure or coercion. Petitioner-Dalvir Singh is the only accused in this case and he has not been declared a proclaimed offender. The statements of the parties have been appended alongwith the report.

7. Mr. Manoj Pundir, Advocate, learned counsel for respondents No.4 and 5 reiterates the factum of settlement between the parties and submits that respondents No.4 and 5 have no objection to the quashing of the aforementioned FIR against the petitioners.

8. Learned counsel for the State, on instructions from ASI Saheb Singh, verifies and affirms the factum of compromise between the parties. It is also verified by the learned State counsel that the injury allegedly attracting offence punishable under Section 307 IPC has been declared grievous in nature.

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 precious time of the court and would be an exercise in futility as the chances of conviction of the petitioners are bleak.

11. This petition is, thus, allowed and FIR No.89 dated 21.06.2014,

under Section 307 IPC, registered at police station Bassi Pathana, District Fatehgarh Sahib alongwith all consequential proceedings is, hereby, quashed.

February 6, 2015.
'om'

(LISA GILL)
JUDGE