

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

246 **Criminal Misc. M- No. 34848 of 2014 (O&M)**
Date of decision : 06.01.2015

Varinder KumarPetitioner

Versus

State of Punjab and anotherRespondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Deepak Arora, Advocate
for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab

LISA GILL, J.

1. This petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of FIR No. 102 dated 24.05.2014 registered under Sections 354/354-A/506 Indian Penal Code (for short 'IPC') at Police Station Sadar, District Jalandhar and all other consequential proceedings arising therefrom on the basis of an amicable settlement arrived at between the parties.

2. The above said FIR has been registered on the statement of Navjot daughter of Jeewan Ram - respondent No. 2 alleging commission of offences under Sections 354/354-A/506 IPC.

3. Due to the intervention of respectables, elders and friends, a compromise is stated to have been arrived at between the parties on 24.09.2014. 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 compromise dated 24.09.2014

(Annexure P-2).

4. This Court on 01.12.2014 had directed the parties to appear before learned trial Court on or before 17.12.2014 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, 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. Pursuant to order dated 01.12.2014 report dated 18.12.2014 has been received from the learned Additional Chief Judicial Magistrate, Jalandhar wherein it is stated that the settlement between the parties is genuine and has been effected without any undue influence, pressure or coercion from any side, out of the free will and consent of the parties. It is also informed that the complainant Navjot alongwith her father had appeared and she had recorded her statement that she no longer wishes to pursue the present case and has no objection if the present FIR is quashed. Copies of the statements of the parties have been appended alongwith the report as well as the proof of identity.

6. On 01.12.2014, Mr. G.S. Rawat, Advocate had put in appearance on behalf of respondent No. 2 and admitted the factum of settlement between the parties. It was stated that respondent No. 2 has no objection to the quashing of the above mentioned FIR.

7. Learned counsel for the State, on instructions from Head Constable Tara Singh, informs that the report/challan under Section 173 Cr.P.C. has not yet been submitted in this case. The factum of

settlement is affirmed and the State has no objection to this compromise and quashing of this FIR.

8. 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”.

9. 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 the precious time of the court and would be an exercise in futility.

10. This petition is, thus, allowed and FIR No. 102 dated 24.05.2014 registered under Sections 354/354-A/506 IPC at Police Station Sadar, District Jalandhar alongwith all consequential proceedings are, hereby, quashed.

January 06, 2015
rts

(LISA GILL)
JUDGE