

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Criminal Misc. M- No. 35006 of 2014 (O&M)

253

Date of decision : 22.01.2015

Hannan

.....Petitioner

Versus

State of Haryana and another

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Manoj Kaushik, Advocate
for the petitioner.

Mr. P.S. Sullar, Addl. AG, Haryana.

Mr. Manoj Dhiman, Advocate
for respondent No. 2.

LISA GILL, J.

1. This petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of FIR No. 565 dated 28.08.2014 registered under Sections 380 Indian Penal Code (for short 'IPC') at Police Station Ballabgarh city, District Faridabad 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 Abid Saifi - respondent No. 2 alleging commission of offences under Section 380 IPC.

3. Due to the intervention of respectables, elders and friends, a compromise has been arrived at between the parties on 30.09.2014 (Annexure P-2). The parties wish to live in peace and harmony and put an end to the acrimony between them. Present petition has been filed on the basis of this compromise.

4. This Court had directed the parties to appear before learned trial court on 05.12.2014 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 thereto, report dated 05.12.2014 has been received from learned Additional Chief Judicial Magistrate, Faridabad wherein it is observed that the complainant – respondent No. 2 as well as the accused petitioner appeared before the Court and got their statements recorded that the matter has been settled. The complainant no longer wanted to pursue the matter. It is affirmed that the settlement arrived between the parties is a genuine one and has been entered into voluntarily without any fear or pressure, keeping in view the welfare of the parties. Statements of the parties have been appended alongwith the report on the basis of this settlement.

6. Learned counsel for the complainant – respondent No. 2 affirms the factum of settlement between the parties. It is stated that respondent No. 2 has no objection to the quashing of above mentioned FIR on the basis of this settlement.

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

9. This petition is, thus, allowed and FIR No. 565 dated 28.08.2014 registered under Sections 380 IPC at Police Station Ballabgarh city, District Faridabad alongwith all consequential proceedings are, hereby, quashed.

January 22, 2015
rts

(LISA GILL)
JUDGE