

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

Crl. Misc. No. M- 35529 of 2014(O&M)

Date of Decision: January 20, 2015.

Raj Kumar

..... PETITIONER(s)

Versus

State of Punjab and others

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Ms. Ruby Thakur, Advocate for
Mrs. G.K.Mann, Advocate
for the petitioners.

Mr. Surjeet S.Chaudhary, DAG, Punjab.

Mr. Nripjeet 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.465 dated 22.10.2010, under Sections 279/337/338/427 IPC, registered at police station Civil Lines, District Amritsar City and all other consequential proceedings arising therefrom on the basis of compromise having been entered between the parties.

2. The aforementioned FIR was registered on an application submitted by Ashwani Khanna, respondent No.2 alleging the commission of offences punishable under Sections 279/337/338/427 IPC qua the petitioner.

3. Due to the intervention of respectables, elders and friends, a compromise is stated to have been arrived at between the parties on 13.09.2014. The parties wish to live in peace and harmony and put an end to the acrimony between them. Parties belong to nearby locality.

4. This Court on 21.11.2014 had directed the parties to appear before learned trial court on 25.11.2014 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. Learned trial court has also been 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 20.01.2015 has been received from the learned Judicial Magistrate First Class, Amritsar wherein it is stated that the settlement/compromise between the parties is genuine and has been entered into voluntarily. Respondent No.2-complainant has stated that the settlement had been arrived at without any pressure, undue influence or coercion. Statement of respondent No.3 – Surinder Mohan Khanna has also been recorded. The petitioner is not a proclaimed offender. The statements of the parties have been

appended alongwith the said report.

7. Learned counsel for respondent No.2 while affirming the factum of settlement between the parties submits that his client has no objection to the quashing of the 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 precious time of the court and would be an exercise in the futility.

10. This petition is, thus, allowed and FIR No.465 dated 22.10.2010, under Sections 279/337/338/427 IPC, registered at police station Civil Lines, District Amritsar City alongwith all consequential proceedings are, hereby, quashed.

January 20, 2015.
'om'

(LISA GILL)
JUDGE