

(Ashima Chadha and another v. State of Haryana and another) and Crl. Misc. No.M-41113 of 2014 (Santosh Kumari and another v. State of Haryana and another).

Prayer in both the abovenoted petitions is for quashing of FIR No.233 dated 12.06.2014, under Sections 406/420/465/467/468/471/474/506/ 120B IPC, registered at police station Ambala Cantt., District Ambala 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 Deepak, respondent No.2 alleging the commission of offences punishable under Sections 406/420/465/467/468/471/474/506/ 120B IPC by the petitioners as well as one Tarun Mehta.

Learned counsel for the petitioners submits that accused – Tarun Mehta was found innocent during investigation and Challan/report under Section 173 Cr.PC. has not been presented against him. This fact is verified by the learned counsel for the State, on instructions from SI Prem Chand.

3. Due to the intervention of respectables, elders and friends, a compromise has been arrived at between the parties on 16.07.2014. 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 this compromise.

4. This Court on 11.12.2014 had directed the parties to appear before the concerned Illaqa Magistrate on 24.12.2014 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 09.01.2015 has been received from the learned Chief Judicial Magistrate, Ambala wherein it is stated that the compromise between the parties is genuine, out of their free will and volition and entered into without any fear, apprehension, undue influence or coercion. None of the accused are proclaimed offenders. The statements of the parties have been appended alongwith the said report.

7. Mr. D.K.Prajapati, Advocate, learned counsel for respondent No.2 reiterates the factum of settlement between the parties and submits that Deepak, respondent No.2 has no objection to the quashing of the aforementioned FIR against the petitioners in both the cases.

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 futility as the chances of conviction of the petitioners are bleak.

10. Both the petitions are, thus, allowed and FIR No.233 dated 12.06.2014, under Sections 406/420/465/467/468/471/474/506/120B IPC, registered at police station Ambala Cantt., District Ambala alongwith all consequential proceedings is, hereby, quashed.

February 6, 2015.
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(LISA GILL)
JUDGE