

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Crl. Misc. No. 37191-M of 2014(O&M)

Date of Decision: 29.01.2015.

Raj Kumar and others PETITIONER (s)

Versus

State of Punjab and another

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr.J.S.Bhinder, Advocate,
for the petitioners.

Mr. S.S.Chaudhary, DAG, Punjab.

LISA GILL, J.(Oral)

This petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of the FIR No.64 dated 08.05.2012, under Sections 323, 341, 506, 109, 148 and 149, 201/34 IPC, registered at Police Station, Moonak, District Sangrur, on the basis of compromise dated 10.10.2014 (Annexures P-2).

The above said FIR had been registered on the basis of the statement made by Mukhtiar Singh respondent No.2 alleging the commission of offences punishable under

Sections 323, 341, 506, 109, 148 and 149, 201/34 IPC qua the petitioners as well as one Darshan Singh who has since passed away.

On the intervention of respectables, elders and friends, a compromise is stated to have been arrived at between the parties on 10.10.2014 (Annexure P-2). The matter has been amicably settled between the parties. The parties wish to live in peace and harmony and want to put an end to the acrimony between them.

This court on 01.12.2014 had directed both the parties to appear before the trial court on or before 09.01.2015 i.e date fixed before the trial court to get their statements recorded in respect to the compromise. Report regarding the genuineness of the said compromise was directed to be submitted. The trial court was also directed to assess whether the compromise has been entered into voluntarily without any pressure, coercion or undue influence and that it should also be apprised whether any of the petitioners are proclaimed offenders and whether all the affected persons in this case are signatories to the compromise, in question. It was further directed that the pendency of any other case against the petitioners should also be intimated.

Pursuant thereto, report dated 14.01.2015 has

been received from the learned Sub Judicial Magistrate, Moonak, wherein it is observed that the compromise/settlement has been arrived at between the parties without any fear, pressure or allurement. Photo copies of statements of the parties have been appended alongwith the report. The petitioners are not proclaimed offenders and no other case is pending against them.

Complainant Muktiar Singh has got recorded his statement that compromise has been effected between the parties out of free will without any inducement, threat, promise or coercion from any corner. He stated that he had no objection for quashing of the said FIR against all the accused persons. Accused Darshan Singh son of Garib Dass died about three years ago, therefore, he is not a signatory to the settlement. It is observed that all the affected persons in this case are signatory to the settlement.

On 1.12.2014, Mr. Gopal Singh Nahel, Advocate, put in appearance on behalf of respondent No.2 and admitted the factum of settlement and stated that respondent No.2 had no objection to the quashing of the FIR.

Learned counsel for the State also affirms the factum of the settlement.

In Kulwinder Singh and others versus State of Punjab and another, 2007(3) R.C.R. 1052, a five member

Bench of this court has observed,

“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 Code of Criminal Procedure 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”.

Keeping in view the facts and circumstances of the present case, no useful purpose would be served by continuing with the present proceedings except wastage of precious time of the court. The chances of conviction are absolutely bleak, therefore, it is in the interest of justice to quash the above said FIR.

The present petition is, thus, allowed and FIR No.64 dated 08.05.2012, under Sections 323, 341, 506, 109, 148 and 149, 201/34 IPC, registered at Police Station, Moonak, District Sangrur, as well as consequential proceedings arising therefrom, are hereby quashed.

29.01.2015.

Anoop

(LISA GILL)

JUDGE