

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Crl. Misc. No. 38517-M of 2014

Date of Decision: 29.01.2015.

Prince Mahajan PETITIONER

Versus

State of Punjab and others

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Ritesh Pandey, Advocate,
for the petitioners.

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

None for respondents No. 2 to 6.

LISA GILL, J.(Oral)

This petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of the FIR No.149 dated 23.12.2012, under Sections 420, 467, 468 and 471,IPC registered at Police Station Division No.2, Pathankot, District Gurdaspur on the basis of compromise dated 21.11.2014 (Annexures P-2).

The above said FIR had been registered on the basis of an application submitted by respondents No. 2 to 6 alleging the commission of offences punishable under

Sections 420, 467, 468 and 471,IPC by the petitioner.

On the intervention of respectables, elders and friends, a compromise is stated to have been arrived at between the parties on 23.07.2014 (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 12.12.2014 had directed both the parties to appear before the learned trial court to get their statements recorded in respect to the compromise. The learned trial court was also directed to submit a report regarding the genuineness of the compromise, whether it has been entered into out of the free will and volition of the parties, without any fear, apprehension, undue influence or coercion. Information was also sought whether the petitioners are proclaimed offenders and whether all the affected persons in this case are signatory to the compromise in question as well the pendency of any other case against the petitioner.

Pursuant thereto, report dated 03.01.2015 has been received from the learned Judicial Magistrate Ist Class, Pathankot. It is observed therein that the compromise/settlement has been arrived at between the parties without any fear, pressure or allurement. Original

statements of the parties have been appended alongwith the report. The petitioner is not proclaimed offenders and no other case is pending against him.

On 12.12.2014, Mr. R.S.Duggal, Advocate, put in appearance on behalf of respondents No. 2 to 6 and affirms the factum of compromise effected between the parties and states that respondents No. 2 to 6 have no objection to the quashing of the said FIR.

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 the 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.149 dated 23.12.2012, under Sections 420, 467, 468 and 471,IPC registered at Police Station Division No.2, Pathankot, District Gurdaspur as well as consequential proceedings arising therefrom is hereby quashed.

29.01.2015.

Anoop

(LISA GILL)

JUDGE