

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Crl. Misc. No. 38561-M of 2014

Date of Decision: 29.01.2015.

Mohan and others PETITIONER (s)

Versus

State of Punjab and another

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Gurpartap Singh Gill, Advocate,
for the petitioners.

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

Mr. Dinesh Trehan, Advocate,
for respondent No.2.

LISA GILL, J.(Oral)

This petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of the FIR No.42 dated 03.05.2014, under Sections 457 and 380 IPC, registered at Police Station, Chabbewal, District Hoshiarpur, on the basis of compromise dated 10.11.2014 (Annexures P-2).

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

Sections 457 and 380 IPC qua the petitioners.

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 Illaqa Magistrate to get their statements recorded in respect to the compromise. The Illaqa Magistrate 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 petitioners.

Pursuant thereto, report dated 07.01.2015 has been received from the learned Judicial Magistrate Ist Class, Hoshiarpur. 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 petitioners are not proclaimed offenders and no other case is pending against them.

Mr. Dinesh Trehan, Advocate, puts in appearance on behalf of respondent No. 2 and admits the factum of the said compromise/settlement between the parties. It is submitted that respondent No.2 has no objection to the quashing of the said FIR.

Learned counsel for the State on instructions from Assistant Sub Inspector Bikramjit Singh submits that report under Section 173,Cr.P.C has not yet been filed.

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.42 dated 03.05.2014, under Sections 457 and 380 IPC, registered at Police Station, Chabbewal, District Hoshiarpur, as well as consequential proceedings arising therefrom are hereby quashed.

29.01.2015.

Anoop

(LISA GILL)

JUDGE