

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

Crl. Misc. No. M- 39589 of 2014

Date of Decision: 12.02.2015

Lakhvinder Singh and another

..... Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr.Pawan Sharma, Advocate fro the petitioners.

Mr.Varun Sharma, AAG Punjab.

Mr.B.D.Sharma, 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. (Oral)

1. Prayer in this petition is for quashing of FIR No.29 dated 31.01.2007 (Annexure P-1), under Sections 420, 465, 467, 468, 471, 188,120-B IPC registered at police station Division No.7, Jalandhar, 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 Harsh Vardhan Kohli, respondent No.2 to the extent that he has been duped of Rs.10,000/- on the pretext of sale of some property.

3. Due to the intervention of respectables, elders and friends, a compromise has been arrived at between the parties on 15.11.2014, Annexure P2. 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 22.12.2014 had directed the parties to appear before the learned trial Court on or before 15.01.2015 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 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 31.01.2015 has been received from the learned trial Court wherein it is observed that parties have compromised the matter with their free consent, sweet will, without any threat, pressure or undue influence. Complainant Harsh Vardhan recorded his statement in regard to the settlement which is stated to be arrived at out of his free will without any fear or pressure. Statements of the accused were also recorded. Statements of the parties and the compromise are attached with the report. All affected persons are party to the settlement. Petitioners are not proclaimed offenders and there is no other case pending against them.

7. Mr. B.D.Sharma, Advocate, learned counsel for respondents No.2 reiterates the factum of settlement between the parties and submits that respondents 2 has no objection to the quashing of the aforementioned FIR against the petitioners.

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. This petition is, thus, allowed and FIR No.29 dated 31.01.2007 (Annexure P-1), under Sections 420, 465, 467, 468, 471, 188 ,120-B IPC registered at police station Division No.7, Jalandhar, and all other consequential proceedings arising therefrom are, hereby, quashed.

12.02.2015
anil

(LISA GILL)
JUDGE