

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

Crl. Misc. No. M- 41034 of 2014(O&M)

Date of Decision: February 6, 2015.

Harjinder Singh

..... PETITIONER(s)

Versus

State of Punjab and another

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. R.S.Manhas, Advocate
for the petitioner.

Mr. P.S.Grewal, DAG, Punjab.

Mr. Chandan Nayar, 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.

1. Prayer in this petition is for quashing of FIR No.204 dated 26.10.2014, under Sections 332/353/186 IPC, registered at police station Adampur, District Jalandhar and all other consequential proceedings arising therefrom on the basis of compromise, Annexure P2, having been entered into between the parties.

2. Aforesaid FIR has been registered on the basis of a statement of

Kashmir Singh, respondent No.2 alleging the commission of offences punishable under Sections 332/353/186 IPC by the petitioners.

3. Due to the intervention of respectables, elders and friends, a compromise has been arrived at between the parties on 15.11.2014. The parties wish to live in peace and harmony and put an end to the acrimony between them.

4. This Court on 02.12.2015 had directed the parties to appear before learned Illaqa Magistrate on or before 15.12.2014 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 Illaqa Magistrate 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 Judicial Magistrate First Class, Jalandhar wherein it is observed that the settlement between the parties is genuine and voluntary and the same has been effected between them without any pressure or coercion. Complainant-Kashmir Singh as well as petitioner appeared and recorded their statements in respect to the settlement. It is also informed that there is no other affected party except the parties to this settlement. Petitioner is not involved in any other case as per the report of Investigating Officer, SI Baljit Singh. Photocopies of the statements of the parties have been appended alongwith the report.

7. Mr. Chandan Nayar, learned counsel for respondent No.2 reiterates the factum of settlement between the parties and submits that Kashmir Singh, respondent No.2 has no objection to the quashing of the aforementioned FIR against the petitioner.

8. Learned counsel for the State, on instructions from ASI Baljinder Singh, verifies and affirms the factum of settlement between the parties.

9. 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”.

10. 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.

11. This petition is, thus, allowed and FIR No.204 dated 26.10.2014, under Sections 332/353/186 IPC, registered at police station Adampur, District Jalandhar alongwith all consequential proceedings is, hereby, quashed.

February 6, 2015.
'om'

(**LISA GILL**)
JUDGE