

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

Crl. Misc. No. M- 43715 of 2014(O&M)

Date of Decision: February 2, 2015.

Kashmir Singh and others

..... PETITIONER(s)

Versus

State of Punjab and another

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Surjit Singh Swaich, Advocate
for the petitioners.

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

Mr. Joginder Sharma, Advocate for
Mr. Tekwinder Singh Rai, 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.81 dated 27.06.2010, under Sections 307/341/323/324/506/34/148/149 IPC (Sections 34/506 IPC added later on), registered at police station Julkan, District Patiala and all other consequential proceedings arising therefrom on the basis of compromise having been entered into between the parties.

2. The abovementioned FIR has been registered on the basis of statement of Malkeet Singh, respondent No.2 alleging the commission of offences punishable under Sections 307/341/323/324/506/34/148/149 IPC.

Learned counsel for the petitioners submit that, in fact, no offence punishable under Section 307 IPC is made out.

3. Due to the intervention of respectables, elders and friends, a compromise is stated to have been arrived at between the parties on 12.12.2014. The parties wish to live in peace and harmony and put an end to the acrimony between them. They belong to the same village.

4. This Court on 22.12.2014 had directed the parties to appear before learned trial court 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 14.01.2015 has been received from the learned Additional Sessions Judge, Patiala wherein it is observed that compromise between the parties is genuine and has been executed voluntarily without any undue pressure and coercion. None of the petitioners are proclaimed offenders. Photocopies of the statements of the parties have been

appended alongwith the said report. Kashmir Singh, petitioner No.1 and Darshan Singh, petitioner No.3 are stated to be involved in other cases. Petitioner No.1 – Kashmir Singh is involved in FIR No.103 dated 10.07.2009, under Sections 324/323/148/149 IPC and petitioner No.3 – Darshan Singh is involved in FIR No.41 dated 10.03.2009, under Sections 420/431/379/120B IPC. However, cancellation reports in both the said cases have been submitted.

7. Mr. Joginder Sharma, Advocate for Mr. Tekwinder Singh Rai, Advocate appears on behalf of Malkeet Singh, respondent No.2 and affirms the factum of settlement between the parties. It is stated that respondent No.2 has no objection to the quashing of the aforementioned FIR qua the accused persons.

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.

9. This petition is, thus, allowed and FIR No.81 dated 27.06.2010, under Sections 307/341/323/324/506/34/148/149 IPC, registered at police

station Julkan, District Patiala alongwith all consequential proceedings is,
hereby, quashed.

February 2, 2015.
'om'

(LISA GILL)
JUDGE