

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

241 **Criminal Misc. M- No. 6648 of 2014 (O&M)**
Date of decision : 09.02.2015

Bittu @ Balwinder Singh and anotherPetitioners

Versus

State of Punjab and anotherRespondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: None for the petitioners.

Mr. P.S. Grewal, DAG, Punjab

Mr. Kamal Narula, Advocate
for respondents No. 2 and 3.

LISA GILL, J.

1. This petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of FIR No. 24 dated 04.02.2014 registered under Sections 353, 186, 354, 356, 506 and 34 Indian Penal Code (for short 'IPC') at Police Station Sadar Fazilka, District Fazilka and all other consequential proceedings arising therefrom on the basis of an amicable settlement arrived at between the parties.

2. The above said FIR has been registered on the statement of Smt Seema Rani - respondent No. 2 alleging commission of offences under Sections 353, 186, 354, 356, 506 and 34 IPC qua the petitioners.

3. Due to the intervention of respectables, elders and friends, a compromise has been arrived at between the parties on 18.02.2014 (Annexure P-2). The parties wish to live in peace and harmony and put an end to the acrimony between them. Present petition has been filed on the basis of this compromise.

4. This Court on 28.07.2014 had directed the parties to appear before Illaqa Magistrate on 18.02.2014 for recording their statements. Report regarding veracity of the compromise was required to be furnished.

5. Pursuant to order dated 28.07.2014, report dated 19/20.08.2014 has been received from Judicial Magistrate Ist Class, Fazilka. Statement of respondent No. 2 – Smt. Seema Rani and respondent No. 3 - Sanjeev Kumar, who was injured, was recorded to the effect that the matter has been settled due to intervention of respectables. Settlement has been arrived at voluntarily, out of free will, without any pressure and coercion and they did not want to proceed further with the case. They have no objection to the quashing of the above said FIR. Statement of the accused persons was also recorded. Statements have been appended alongwith the report.

As per the report, settlement between the parties has been effected voluntarily, without any duress, coercion or threat of any kind and has been effected in order to keep peace, harmony and restore cordial relations between the parties.

6. Learned counsel for respondents No. 2 and 3 admits and confirms the factum of settlement between the parties and states that respondents No. 2 and 3 have no objection to the quashing of above mentioned FIR.

7. Learned counsel for the State, on instructions from Head Constable Des Raj, confirms that a settlement has been arrived at between the parties and the State has no objection to this compromise and quashing of this FIR. The petitioners are not proclaimed offenders and there is no other case pending against them.

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 the precious time of the court and would be an exercise in futility. Chances of conviction of the accused are absolutely bleak.

10. This petition is, thus, allowed and FIR No. 24 dated 04.02.2014 registered under Sections 353, 186, 354, 356, 506 and

34 IPC at Police Station Sadar Fazilka, District Fazilka alongwith all consequential proceedings are, hereby, quashed.

February 09, 2015
rts

(LISA GILL)
JUDGE