

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

Criminal Misc. No. M- 10053 of 2017(O&M)

Date of Decision: July 19 , 2017.

Bhola Singh PETITIONER(s)

Versus

State of Punjab and another RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Jagpal Singh, Advocate
for the petitioners.

Mr. Karambir Singh, AAG, Punjab.

Mr. Davinder Pal Soni, Advocate for
Mr. M.S.Bains, Advocate
for respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.41 dated 06.02.2017 under Sections 323/354B IPC registered at Police Station Barnala, District Barnala and all other consequential proceedings arising therefrom on the basis of compromise dated 14.03.2017 (Annexure P2) arrived at between the parties.

The abovesaid FIR was registered at the behest of respondent No.2 on account of certain misunderstandings between the parties. With the intervention of respectables of the locality, a compromise has been arrived at between the parties, the terms of which were reduced into writing on 14.03.2017.

The parties wish to live in peace and harmony and put an end to the acrimony between them.

This Court on 24.04.2017 directed the parties to appear before learned Illaqa Magistrate for recording their statements 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. Learned Illaqa Magistrate was also directed to intimate whether the petitioner is absconding/proclaimed offender and whether any other case is pending against him. Information was sought as to whether all affected persons are a party to the settlement.

Pursuant to order dated 24.04.2017, the parties appeared before the learned Chief Judicial Magistrate, Barnala and their statements were recorded on 18.05.2017. The complainant/respondent No.2 stated that matter has been amicably resolved by her out of her own free will without any pressure or coercion from any quarter. Respondent No.2 stated that she has no objection to the quashing of the abovesaid FIR against the petitioner.

As per report dated 26.05.2017 received from the learned Chief Judicial Magistrate, Barnala it is opined that the compromise arrived at between the parties is genuine and voluntary, without any coercion or undue influence. Statement of the petitioner in respect to the settlement was recorded as well. The statements of the parties are appended alongwith the said report. The petitioner is not declared to be a proclaimed offender neither any such proceedings are pending against him.

Learned counsel for respondent No.2 reaffirms and verifies the factum of settlement between the parties. It is reiterated that respondent No.2 has no objection to the quashing of the abovementioned FIR against all the petitioners.

Learned counsel for the State, on instructions from HC Baldev Singh, has no serious objection to the quashing of aforementioned FIR on the basis of a settlement arrived at between the parties.

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”.

The parties have admittedly resolved the matter between themselves. The settlement between them is found to be genuine as per report dated 26.05.2017 by the learned Chief Judicial Magistrate, Barnala. In such a situation, the chances of conviction of the petitioner are extremely bleak. Moreover, the parties have buried the hatchet and wish to live in peace and harmony.

Keeping in view the facts and circumstances of this case, it would be in the interest of justice to quash the abovesaid FIR as no useful purpose would be served by continuance of the present proceedings. It will merely lead to wastage of precious time of the court and would be an exercise in futility.

This petition is, thus, allowed and FIR No. 41 dated 06.02.2017 under Sections 323/354B IPC registered at Police Station Barnala, District Barnala alongwith all consequential proceedings are, hereby, quashed.

July 19 , 2017.
'om'

(LISA GILL)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No