

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

Criminal Misc. M- No.10452 of 2017 (O&M)

Date of decision : July 18, 2017

Gursewak Singh

.....Petitioner

Versus

State of Punjab and others

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Satsimran Singh Gill, Advocate
for the petitioner.

Mr. Karambir Singh, AAG, Punjab.

Mr. Sandeep Godara, Advocate
for respondents No.2 and 3.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No. 130, dated 23.12.2014 registered under Sections 354-D, 292,506 of the Indian Penal Code ('IPC' - for short) and Section 66-A and 67-A of the Information Technology Act, 2000 at Police Station Sadar Batala, District Gurdaspur on the basis of a compromise arrived at between the parties.

The abovesaid FIR was registered on a complaint submitted by respondent No. 2. The affected person in this case is respondent No. 3. With the intervention of respectables and relatives, a compromise has been arrived at between the parties, the terms of which were reduced into writing on 27.09.2016 (Annexure P-2). 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.

This Court on 27.04.2017 directed the parties are directed to appear before the learned trial court/Illaq Magistrate for recording of their statements in regard to the settlement. Learned trial Court/Illaq 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 trial Court/Illaq Magistrate was directed to intimate whether the petitioner is a proclaimed offender and whether any other case is pending against him. Information was sought as to whether all affected persons are party to the settlement.

Pursuant to order dated 27.04.2017, the parties appeared before the learned Judicial Magistrate First Class, Batala and their statements were recorded on 19.05.2017. Respondent No.2 – complainant stated that the matter has been amicably resolved with the accused with the intervention of the respectables. The compromise, it is stated, is genuine, arrived at voluntarily, out of his own free will, without any kind of force, pressure, threat or undue influence. Respondent No. 2 further stated that he has no objection to the quashing of the abovesaid FIR qua the petitioner. Statement of respondent No. 3 to the same effect was also recorded. Respondent No. 3 reiterated the factum of settlement and has expressed that she has no objection to the quashing of the abovesaid FIR against the petitioner. Statement of the petitioner in respect to the settlement was also recorded. The victim and the complainant were further identified by Sharanjeet Singh son of Jaswant Singh, Block Samiti Member whose statement too was recorded. Statement of ASI Gurinder Singh, the investigating officer of this

case was recorded as well.

As per report dated 14.07.2017 received from the learned Judicial Magistrate First Class, Batala, it is opined that the settlement between the parties is valid, genuine, effected voluntarily, without any pressure, threat, coercion or undue influence. Both the complainant and the alleged victim, it is submitted, recorded their statements voluntarily without any threat, pressure or coercion before the learned Judicial Magistrate. It is further mentioned in the said report that though the FIR was initially registered against six persons, it is only the present petitioner, who was proceeded against. The statements of the parties are appended alongwith the said report.

Learned counsel for respondents No.2 and 3 reaffirms and verifies the factum of settlement between the parties. It is reiterated that respondents No.2 and 3 have no objection to the quashing of the abovementioned FIR against the petitioner.

Learned counsel for the State, on instructions from ASI Gurvinder Singh, submits that as the parties have amicably resolved the matter in order to maintain peace and harmony, the State has no objection to the quashing of this 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 belong the same Tehsil. They have settled the matter amicably to ensure that the parties are able to carry on with their lives 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. 130, dated 23.12.2014 registered under Sections 354-D, 292,506 of IPC and Section 66-A and 67-A of the Information Technology Act, 2000 at Police Station Sadar Batala, District Gurdaspur alongwith all consequential proceedings are, hereby, quashed.

July 18, 2017
rts

(Lisa Gill)
Judge

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