

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

**CRM No. M-1072 of 2017
Date of decision: 11.05.2017**

Paramjit Singh @ Nony

..... Petitioner.

Versus

State of Punjab and others

..... Respondents.

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Ms. Sukhpreet Kaur, Advocate, for the petitioner.

Mr. K.D. Sachdeva, Addl.A.G., Punjab.

None for respondents No.2 and 3.

LISA GILL, J.

This petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of FIR No. 113 dated 06.06.2013 (**Annexure P-1**) registered under Sections 363,366,34 of the Indian Penal Code (for short 'IPC') at Police Station Kapurthala City, District Kapurthala, and all other consequential proceedings arising therefrom.

It is submitted that the above said FIR was registered on the statement of respondent No. 2 i.e. the father of the alleged victim, respondent No. 3. The petitioner and respondent No. 3 were both major. They solemnized marriage on 14.06.2013 against the wishes of the parents of respondent No. 3. They approached this Court seeking protection of their life and liberty. This Court vide order dated 21.06.2013 passed in Criminal Miscellaneous No. M-20226 of 2013 (Annexure P-2) directed the Senior Superintendent of Police, Kapurthala to consider the representation made by them and take appropriate steps in accordance with law. It is submitted that the petitioner and respondent No. 3 are living together at their matrimonial home along with their minor daughter. Furthermore, the matter has been amicably resolved with respondent No. 2 as well, who has

accepted their marriage and has expressed his willingness for the quashing of this FIR. Reference is made to affidavit of respondent No. 2, dated 18.03.2015 (Annexure P-3).

This Court on 17.02.2017 directed the parties to appear before the learned Chief Judicial Magistrate, Kapurthala on 28.03.2017 for recording their statements in respect to the above-mentioned compromise. Learned Chief Judicial Magistrate, Kapurthala was directed to submit a report regarding the genuineness of the compromise and to intimate regarding pendency of any other proceedings against the accused/petitioner.

Pursuant to order dated 17.02.2017, the parties appeared before the learned Chief Judicial Magistrate, Kapurthala and their statements were recorded on 10.04.2017. Respondent No.2 as well as respondent No. 3 have stated that the matter has been amicably resolved. They have suffered statements without any pressure, coercion or inducement. Respondent No. 2 stated that he has no objection to the quashing of the aforementioned FIR against the petitioner. Statement of the petitioner in respect to the settlement was also recorded.

As per report dated 21.04.2017, submitted by the learned Chief Judicial Magistrate, Kapurthala it is opined that the compromise between the parties is genuine, arrived at without any threat, coercion or pressure. The petitioner is the sole accused and he is not a proclaimed offender. It is further noted that a cancellation report has been prepared by the investigating agency.

Learned counsel for the State on instructions from ASI Rajwinder Singh, Police Station City, Kapurthala verifies the aforementioned factual position and in view of the facts and circumstances of the case, does not raise

any objection to the quashing of the above said 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”.

It is apparent that the petitioner and respondent No. 3 are cohabiting together at their matrimonial home after solemnization of their marriage. They have been blessed with a child. Respondent No. 2 and his family have accepted the petitioner in their family. 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 continuance of the present proceedings. It will only lead to wastage of precious time of the court and would be an exercise in futility.

This petition is, thus, allowed and FIR No. 113 dated 06.06.2013 registered under Sections 363,366,34 of the IPC at Police Station Kapurthala City, District Kapurthala alongwith all consequential proceedings arising therefrom are hereby quashed qua the petitioner.

(LISA GILL)
JUDGE

11.05.2017
PA

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