

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

**CRM No. M-11792 of 2016
Date of decision: 10.01.2017**

Mukesh Aggarwal

..... Petitioner.

Versus

State of Haryana and another

..... Respondents.

CORAM: HON'BLE MS. JUSTICE LISA GILL

Present: Mr. Davinder Bir Singh, Advocate for the petitioner.

Mr. Sanjay K. Saini, Assistant Advocate General, Haryana.

Mr. Rakesh Gupta, Advocate, for respondent No.2.

LISA GILL, J.

This petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of FIR No. 306 dated 14.08.2014 (Annexure P-1) registered under Section 354-A of the Indian Penal Code (for short 'IPC') as well as report under Section 173 Cr.P.C. (Annexure P-2) at Police Station Ambala Cantt and all other consequential proceedings arising therefrom on the basis of an amicable settlement (Annexure P-3) arrived at between the parties.

The above said FIR has been registered on the statement of Surbhi Suri- respondent No. 2.

Due to the intervention of respectables, the matter has been settled amicably between the parties, which was reduced to writing on 15.03.2016. 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.

This Court on 08.11.2016 had directed the parties to appear before learned Illaqa Magistrate/trial court on 09.12.2016 for getting their

statements recorded in respect to the above-mentioned compromise. Learned Illaqa Magistrate/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. Learned trial court was also directed to intimate whether the petitioner is a proclaimed offender and regarding any other case pending against him. Information was also sought as to whether all affected persons are party to the settlement.

Pursuant to order dated 08.11.2016, the parties appeared before the learned Chief Judicial Magistrate, Ambala and their statements were recorded on 09.12.2016. Smt. Surbhi (respondent No.2) has recorded that the settlement has been arrived at between the parties out of her own free will and volition, without any undue pressure, threat or coercion. Furthermore, she has no objection to the quashing of the above-mentioned FIR and she has no grudge whatsoever against the petitioner. Statement of the petitioner has also been recorded

As per report dated 20.12.2016 of the learned Chief Judicial Magistrate, Ambala it is noted that the settlement between the parties has been found to be genuine, voluntary and entered out of the free will of the parties. The petitioner is the only accused in this case and he is not a proclaimed offender. The respondent No. 2 is the only aggrieved person.

Learned counsel for respondent No.2 affirms the factum of settlement between the parties. It is stated that respondent No. 2 has no objection to the quashing of above mentioned FIR.

Learned counsel for the State, on instructions from ASI Naresh Kumar, Police Station Ambala Cantt submits that the State has no objection to this compromise and quashing of this FIR.

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”.

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.

This petition is, thus, allowed and FIR No. 306 dated 14.08.2014 (Annexure P-1) registered under Section 354-A of the Indian Penal Code (for short 'IPC') as well as report under Section 173 Cr.P.C. (Annexure P-2) at Police Station Ambala Cantt alongwith all consequential proceedings arising therefrom are hereby quashed.

(LISA GILL)
JUDGE

10.01.2017
PA

Whether speaking/reasoned : *Yes/No.*

Whether reportable : *Yes/No.*