

Criminal Misc. M- No. 11963 of 2016 (O&M)

Date of decision : January 24, 2017

Lovneet Kumar

.....Petitioner

Versus

State of Punjab and others

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Varun Sharma, Advocate
for the petitioner.

Mr. P.S. Paul, DAG, Punjab.

Mr. Ashdeep Singh, Advocate
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. 228 dated 06.08.2012 registered under Sections 451, 354, 323, 120-B Indian Penal Code (for short 'IPC') at Police Station Zirakpur, Tehsil Dera Bassi, District SAS Nagar (Mohali) and all other consequential proceedings arising therefrom on the basis of an amicable settlement arrived at between the parties.

The above said FIR has been registered on the statement of Deepali Sharma - respondent No. 2 alleging commission of offences under Sections 451, 354, 323, 120-B IPC qua the petitioner.

Due to intervention of respectables and relatives, a compromise has been arrived at between the parties, the terms of which were reduced into writing on 24.02.2016 (Annexure P-3). The parties wish to live in

peace and harmony and put an end to the acrimony between them. It is stated that respondent No. 2 was about 17 years old at the time of lodging of the FIR i.e. 06.08.2012 but now she is a major. Present petition has been filed on the basis of this compromise.

The parties were directed by this Court to appear before the learned Judicial Magistrate First Class, Dera Bassi on 22.12.2016 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 alongwith the statements of the parties. It was further directed that if the accused was absconding or declared a proclaimed offender, the same be also indicated in the report.

Pursuant to orders dated 07.09.2016 and 30.11.2016, the parties appeared before the learned Judicial Magistrate First Class, Dera Bassi and their statements were recorded on 22.12.2016. Respondent No. 2 as well as respondent No. 3 – her father, Vipin Sharma, have stated that the matter has been amicably settled between the parties due to intervention of respectables. The compromise has been arrived at out of their own free will and without any pressure or undue influence, coercion, inducement, threat of promise. They have no objection whatsoever if the above said FIR against the petitioner is quashed. Statement of the petitioner, who is the sole accused, has also been recorded.

As per report dated 22.12.2016 of the learned Judicial Magistrate First Class, Dera Bassi, it is noted that the compromise effected

between the parties is valid and genuine. It has been arrived at voluntarily, out of the free will and volition of the parties, without any coercion, undue influence or pressure of any kind. Statements of the parties have been appended alongwith the report.

Learned counsel for respondents No. 2 and 3 affirms and verifies the factum of settlement between the parties. It is stated that both respondents No. 2 and 3 have no objection to the quashing of the above mentioned FIR.

Learned counsel for the State, on instructions from HC Pawan Kumar, Police Station Zirakpur, submits that the State has no objection to the quashing of this FIR on the basis of the settlement 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”.

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. 228 dated 06.08.2012 registered under Sections 451, 354, 323, 120-B IPC at Police

Station Zirakpur, Tehsil Dera Bassi, District SAS Nagar (Mohali) alongwith
all consequential proceedings are, hereby, quashed.

January 24, 2017
rts

(Lisa Gill)
Judge

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