

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

**Criminal Misc. No.M- 12132 of 2017 (O&M)**

Date of decision : December 21, 2017

Shashi Kumar Phulia and others  
Versus

.....Petitioners

State of Haryana and another

....Respondents

**CORAM:- HON'BLE MRS. JUSTICE LISA GILL**

Present: Mr. Rajesh Dhankhar, Advocate for  
Mr. Ashok Kumar Sehrawat, Advocate  
for the petitioners.

Mr. Anmol Malik, AAG, Haryana.

Mr. Rahul Makkar, Advocate for respondent No.2.

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**LISA GILL, J.**

Prayer in this petition is for quashing of FIR No. 304 dated 19.11.2014 under Sections 323, 506 IPC (Section 354 IPC added later) registered at Police Station Chandi Mandir, District Panchkula alongwith consequential proceedings arising therefrom on the basis of a compromise dated 01.04.2017 (Annexure P-2).

It is submitted that the abovesaid FIR was registered at the instance of respondent No.2 due to certain misunderstandings. However, with the intervention of respectables and elders, all misunderstandings have been removed. The terms and conditions of the settlement were reduced into writing on 01.04.2017 (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 03.10.2017 directed the parties to appear before learned trial court for recording their statements in respect to the above-mentioned compromise. Learned 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 any of the petitioners are absconding/proclaimed offenders and whether any other case is pending against them. Information was sought as to whether all affected persons are a party to the settlement.

Pursuant to order dated 03.10.2017, the parties appeared before the learned Judicial Magistrate First Class, Panchkula and their statements were recorded on 30.11.2017. Respondent No.2 stated that she has amicably resolved the dispute with all the six petitioners. Written compromise was tendered as Ex. C1. She further stated that the compromise has been arrived at out of her own free will, without any coercion or undue pressure. Respondent No.2 stated that she has no objection to the quashing of the abovesaid FIR qua the petitioners. Statements of the affected persons namely Kuldeep, Kajal and Poonam were also recorded. All the said three persons have clearly stated that the matter has been amicably resolved out of their own free will, without any kind of pressure and coercion. They have expressed no objection to the quashing of the aforementioned FIR against the petitioners. Statements of the petitioners in respect to the compromise were also recorded.

As per report dated 30.11.2017 received from the learned Judicial Magistrate First Class, Panchkula, satisfaction is expressed that the compromise between the parties is genuine, voluntary, arrived at out of their own free will, without any threat, coercion or undue pressure. None of the petitioners is reported to be a proclaimed offender. Statements of the parties are appended alongwith the said report.

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.

Learned counsel for the State, on instructions from ASI Partap 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”.*

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. 304 dated 19.11.2014 under Sections 323, 506 IPC (Section 354 IPC added later) registered at Police Station Chandi Mandir, District Panchkula alongwith all consequential proceedings are, hereby, quashed.

December 21, 2017

rts

**(Lisa Gill)**  
**Judge**

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