

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

CRM-M-12432 of 2017 (O&M)

Date of Decision:14.11.2017

Taranjit Singh

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr.Rajbir Singh, Advocate
for the petitioner.

Mr. Karanbir Singh, AAG, Punjab.

Mr. Kulwinder Singh, Advocate
for respondent no.2.

LISA GILL, J(Oral).

Prayer in this petition is for quashing of FIR No.87 dated 05.06.2013, under Sections 341/354 IPC, registered at Police Station Bhawanigarh, District Sangrur, along with all other consequential proceedings arising therefrom on the basis of settlement arrived at between the parties.

It is submitted that the above-said FIR was registered at the instance of respondent No.2 due to misunderstandings between the parties. With the intervention of respectables, all misunderstandings have been removed and the matter has been amicably resolved between the parties. Terms and conditions of the settlement have been reduced into writing on 03.04.2017 (Annexure P-2). Affidavit dated 01.06.2017 of the alleged victim in respect to

the settlement is already on record.

This Court on 23.08.2017 directed the parties to appear before the learned trial court for recording of 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 23.08.2017, the parties appeared before the learned Additional Chief Judicial Magistrate, Sangrur and their statements were recorded on 25.09.2017. Respondent No.2 stated that the matter has been amicably resolved between the parties with the intervention of respectables out of his own free will, without any kind of influence, coercion or pressure. It is stated that he has no grudge against the accused and the matter has been resolved in order to maintain peace and harmony. Respondent no.2 further submits that he has no objection whatsoever to the quashing of the aforementioned FIR against the petitioner. Statements of the parties as well as of HC Suresh Kumar in respect to the compromise were recorded before the learned trial Court.

As per report dated 27.09.2017, received from the learned Additional Chief Judicial Magistrate, Sangrur, it is opined that the settlement between the parties is genuine, voluntary, arrived

at out of the free will of the parties, without any coercion or undue influence from any quarter. Petitioner is not reported to be a proclaimed offender. Statements of the parties and HC Suresh Kumar are appended along with the said report.

Learned counsel for respondent No.2 affirms and verifies the factum of settlement between the parties. It is reiterated that respondent No.2 has no objection to the quashing of the above-mentioned FIR against the petitioners subject to strict adherence to the terms and conditions of the settlement by the petitioners.

Learned counsel for the State has not raised any serious 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 above-said 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.87 dated

05.06.2013, under Sections 341/354 IPC, registered at Police Station Bhawanigarh, District Sangrur, along with all consequential proceedings are, hereby, quashed.

14.11.2017
s.khan

[LISA GILL]
Judge

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.