

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

Criminal Misc. No. M- 12788 of 2017(O&M)

Date of Decision: September 12 , 2017.

Kailash Kumar and another PETITIONER(s)

Versus

State of Haryana and others RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Vimal Kumar Gupta, Advocate
for the petitioners.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

Mr. Nonish Kumar, Advocate
for respondents No.2 to 6.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.26 dated 15.04.2016 under Sections 354A/323/148/149/506 IPC registered at Police Station Mansadevi Complex, District Panchkula and all other consequential proceedings arising therefrom on the basis of a compromise arrived at between the parties.

The abovesaid FIR was registered at the instance of respondent No.2. With the intervention of respectables and relatives, a compromise was arrived at between the parties, the terms of which were reduced into writing on 29.11.2016 (Annexure P2). The parties wish to live in peace and harmony and

put an end to the acrimony between them.

It is submitted that there are three accused in this case. Accused Tasleem is not petitioner before this Court and the compromise is not effected with the said accused Tasleem. Respondent No.2 is the complainant and respondent No.3 to 6 are the affected persons i.e., injured in this case.

Learned counsel for the petitioners relied upon Parambir Singh Gill v. Malkiat Kaur, 2010(1) RCR(Criminal) 256 to submit that FIR can be quashed against some of the accused persons on the basis of a settlement arrived at between the parties. Furthermore, the affected persons in this case i.e., respondents No.3 to 6 have no objection to the quashing of the abovesaid FIR against the petitioners.

This Court on 14.07.2017 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 14.07.2017, the parties appeared before the learned Judicial Magistrate First Class, Panchkula and their statements were recorded on 16.08.2017. Respondents No.2 to 6 stated that the matter has been amicably resolved with both the accused petitioners. The settlement, it is stated, has been arrived at out of their free will, without any kind of coercion or undue

influence. It is stated by them that they have no objection in case the abovesaid FIR is quashed against both the petitioners. Joint statement of the petitioners in respect to the settlement was recorded as well.

As per report dated 16.08.2017 received from the learned Judicial Magistrate First Class, Panchkula satisfaction has been expressed that the settlement between the parties is voluntary and genuine. Statements of the parties are appended alongwith the said report.

Learned counsel for respondents No.2 to 6 reaffirms and verifies the factum of settlement between the parties. It is reiterated that respondents No.2 to 6 have no objection to the quashing of the abovementioned FIR against the petitioners.

No serious objection has been raised by learned counsel for the State to the quashing of aforementioned FIR against the petitioners 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.26 dated 15.04.2016 under Sections 354A/323/148/149/506 IPC registered at Police Station Mansadevi Complex, District Panchkula alongwith all consequential proceedings are, hereby, quashed against the petitioners.

September 12 , 2017.
'om'

(LISA GILL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No