

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

**Criminal Misc. M- No. 12831 of 2017 (O&M)**

Date of decision : September 22, 2017

Braham Pal and others

.....Petitioners

Versus

State of Haryana and others

....Respondents

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

Present: Mr. Rahul Deswal, Advocate for the petitioners.

Mr. Anmol Malik, AAG, Haryana.

Mr. Gourav Verma, Advocate for respondents No.2 to 4.

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**LISA GILL, J.**

Prayer in this petition is for quashing of FIR No. 546 dated 02.08.2015 under Sections 323, 324, 452, 506 IPC and Section 8 of Protection of Children from Sexual Offences Act, 2012 registered at Police Station Karnal Sadar, District Karnal and all other consequential proceedings arising therefrom on the basis of a compromise dated 12.12.2016 (Annexure P-2) arrived at between the parties.

The abovesaid FIR was registered at the behest of respondent No.2. Learned counsel submit that with the intervention of respectables of the area, all misunderstandings between the parties have been removed and the matter has been amicably resolved in the interest of peace and harmony. It is further submitted that the victim i.e. respondent No. 3, in this case, was a minor at the time of alleged occurrence, however, she has attained majority now her date of birth being 01.01.1998. The present petition has

been filed on the basis of this compromise.

This Court on 11.07.2017 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 11.07.2017, the parties appeared before the learned Additional Sessions Judge, Karnal. A joint statement of all the accused as well as respondents No. 1 to 4 were recorded on 15.07.2017. It is stated by all of them that the matter has been amicably resolved between them with the intervention of elder persons of the society. The settlement it is stated, has been arrived at out of their own free will, without any threat, coercion and inducement. Original compromise deed was tendered as Ex. C1. An affidavit of the victim – respondent No. 3 was tendered as Ex. C2. It is stated that the complainant as well as the victim/affected persons do not have any objection to the quashing of the abovesaid FIR against all the accused persons. It is noted that one of the injured namely Dharambir has since passed away on 17.04.2016.

As per report dated 15.07.2017 received from the learned Additional Sessions Judge, Karnal, it is opined that the compromise between the parties is genuine, voluntary, arrived at without any pressure or coercion from any side. None of the petitioners are reported to be a

proclaimed offender. A joint statement of all the accused as well as respondents No. 1 to 4 is appended alongwith the said report.

Learned counsel for respondent No.2 to 4 reaffirms and verifies the factum of settlement between the parties. It is reiterated that the said respondents which include the complainant, victim and affected persons have no objection to the quashing of the abovementioned FIR against all the petitioners.

Learned counsel for the State 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. 546 dated 02.08.2015 under Sections 323, 324, 452, 506 IPC and Section 8 of Protection of Children from Sexual Offences Act, 2012 registered at Police

Station Karnal Sadar, District Karnal alongwith all consequential proceedings are, hereby, quashed.

September 22, 2017  
rts

(Lisa Gill)  
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No