

Criminal Misc. M- No. 14112 of 2016 (O&M)

Date of decision : January 24, 2017

Harjinder Singh

.....Petitioner

Versus

State of Punjab and another

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILLPresent: Mr. M.S. Dhami, Advocate
for the petitioner.

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

Mr. B.K. Chaudhary, Advocate
for respondent No. 2.

LISA GILL, J.

This petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of FIR No. 0027 dated 07.04.2016 registered under Sections 354, 354-B, 506 Indian Penal Code (for short 'IPC') at Police Station Kathgarh, District S.B.S. Nagar 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 Smt. Maninder Kaur - respondent No. 2 alleging commission of offences under Sections 354, 354-B, 506 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 18.04.2016. The parties wish to live in peace and harmony and

put an end to the acrimony between them. 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 1st Class (Duty), S.B.S. Nagar 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. Learned trial court was also directed to intimate whether any other case is pending against either of the parties.

Pursuant to orders dated 07.10.2016 and 30.11.2016, the parties appeared before the learned Judicial Magistrate 1st Class, S.B.S. Nagar and their statements were recorded on 21.12.2016. Respondent No. 2 – Maninder Kaur has stated that with the intervention of respectables of the area, a compromise has been effected between the parties to maintain peace and harmony. She no longer has any grudge against the petitioner. The settlement has been arrived at out of her own free will, without any influence, coercion or pressure. She has further stated that she has no objection if the above mentioned FIR against the petitioner is quashed. Statement of the petitioner was also recorded.

As per report dated 21.12.2016 of the learned Judicial Magistrate 1st Class, S.B.S. Nagar, it is noted that the compromise between the parties is genuine and has been entered into between the parties voluntarily, without any inducement, coercion or pressure. Statements of the

parties have been appended alongwith the report.

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

Learned counsel for the State, on instructions from HC Dharam Singh, Police Station Kathgarh, submits that the State has no objection to the quashing of this FIR on the basis of the settlement between the parties. The petitioner is not a proclaimed offender and there is no other case pending against him.

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. 0027 dated 07.04.2016 registered under Sections 354, 354-B, 506 IPC at Police

Station Kathgarh, District S.B.S. Nagar alongwith all consequential proceedings are, hereby, quashed.

January 24, 2017
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes

Whether reportable : Yes/No