

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

Criminal Misc. No.M- 13358 of 2017 (O&M)

Date of decision : September 28, 2017

Charanjit Singh and others

.....Petitioners

Versus

State of Punjab and others

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. H.S. Batth, Advocate for the petitioners.

Mr. Karanbir Singh, AAG, Punjab.

Mr. J.S. Dhaliwal, Advocate for respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No. 51 dated 05.08.2014 registered under Sections 452, 354-B, 326, 323, 34 IPC at Police Station Khalra, District Tarn Taran and all other consequential proceedings arising therefrom on the basis of a compromise arrived at between the parties.

It is submitted that the abovesaid FIR was registered at the instance of respondent No.2 due to certain misunderstandings between the parties, which have now been cleared due to intervention of respectables and relatives. The parties have decided to amicably resolve the matter, in the interest of justice and harmony. A compromise has been arrived at between the parties, the terms of which were reduced into writing on 09.01.2017 (Annexure P-2). The present petition has been filed on the basis of this compromise.

This Court on 30.05.2017 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 30.05.2017, the parties appeared before the learned Judicial Magistrate First Class, Patti and their statements were recorded on 19.07.2017. Respondent No. 2 as well as respondents No. 3 to 6 (injured/affected parties) stated that the matter has been compromised with all the accused petitioners with the intervention of respectables of the area. Settlement has been arrived at out of their own free will, without any coercion or influence. It is stated that they do not wish to continue the above said proceedings and have no objection to the quashing of the abovesaid FIR qua the petitioners. A joint statement of the petitioners in respect to the compromise was also recorded.

As per report dated 05.08.2017 received from the learned Judicial Magistrate First Class, Patti it is opined that the compromise between the parties is genuine, voluntary, arrived at without any coercion or undue influence. None of the petitioners is reported to be a proclaimed offender. 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 respondent No.2 as well as respondents No. 3 to 6 have no objection to the

quashing of the abovementioned FIR against all the petitioners.

Learned counsel for the State, on instructions from ASI Harmesh 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. 51 dated 05.08.2014 registered under Sections 452, 354-B, 326, 323, 34 IPC at Police Station Khalra, District Tarn Taran alongwith all consequential proceedings are, hereby, quashed.

September 28, 2017
rts

(Lisa Gill)
Judge

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