

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

Criminal Misc. No. M- 13601 of 2017(O&M)

Date of Decision: October 31 , 2017.

Balwant Singh @ Patel and others PETITIONER(s)

Versus

State of Punjab and another RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Gursimran Singh Bhatia, Advocate
for the petitioners.

Mr. Rahul Rathore, DAG, Punjab.

Mr. Sanjeev Banga, Advocate
for the complainant/respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.93 dated 04.05.2014 under Sections 354/506/34 IPC registered at Police Station Beas, District Amritsar Rural and all other consequential proceedings arising therefrom on the basis of a compromise dated 12.04.2017 (Annexure P2) arrived at between the parties.

It is submitted that the petitioners were earlier convicted by the learned Sub Divisional Judicial Magistrate, Baba Bakala Sahib vide judgment dated 30.11.2015. The said judgment and order was set aside by the learned Additional Sessions Judge/Exclusive Court, Amritsar vide decision dated

03.01.2017. The matter was remanded back to the learned trial court with a direction that proper opportunity be afforded to the petitioners to cross-examine the complainant/prosecutrix in accordance with law and decide the matter afresh. During the pendency of the said proceedings, the matter was amicably resolved between the parties. All misunderstandings on the basis of which the abovesaid FIR was registered at the instance of respondent No.2, were removed between them with the intervention of respectables of the area. The settlement was reduced into writing on 12.04.2017 (Annexure P2). The parties decided to put an end to the acrimony between them and wish to live in peace and harmony as they belong to the same area.

This Court on 13.07.2017 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 13.07.2017, the parties appeared before the learned Sub Divisional Judicial Magistrate, Baba Bakala Sahib and their statements were recorded on 28.07.2017. Respondent No.2 stated that the matter has been amicably resolved between the parties with the intervention of respectables and she did not wish to take any further action against the accused

persons. The settlement, it is stated, has been arrived at out of her own free will, without any threat or pressure. Respondent No.2 further stated that she has no objection in case the abovesaid FIR against the accused petitioners is quashed. Joint statement of the petitioners in respect to the settlement was recorded as well.

As per report dated 03.08.2017 received from the learned Sub Divisional Judicial Magistrate, Baba Bakala Sahib, it is opined that the settlement between the parties is genuine, arrived at out of free will of the parties without any threat or pressure. None of the petitioners are reported to be proclaimed offenders. Statements of the parties are appended alongwith the said report.

Learned counsel for respondent No.2 reaffirms and verifies the factum of settlement between the parties. It is reiterated that in view of the settlement, respondent No.2 has no objection to the quashing of the abovementioned FIR against all the petitioners.

Learned counsel for the State has raised no serious objection to the quashing of the FIR in question as well as all consequential proceedings 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.93 dated 04.05.2014 under Sections 354/506/34 IPC registered at Police Station Beas, District Amritsar Rural alongwith all consequential proceedings are, hereby, quashed.

October 31 , 2017.
'om'

(LISA GILL)
JUDGE

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