

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

Criminal Misc. M- No. 13584 of 2015 (O&M)

Date of decision : May 22, 2017

Jasdeep Singh and another

.....Petitioners

Versus

State of Punjab and others

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. S.S. Majithia, Advocate
for the petitioners.

Mr. Rajpreet Singh Sidhu, AAG, Punjab.

Mr. Bikram Singh, Advocate
for respondents No. 2 and 3.

LISA GILL, J.

This petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of FIR No. 217 dated 22.10.2013 (Annexure P-1) registered under Sections 452, 354, 323, 324, 506, 148, 149 of the Indian Penal Code (for short 'IPC') at Police Station Division No. 7 (Vardhman), District Ludhiana City and all other consequential proceedings arising therefrom on the basis of an amicable settlement arrived at between the parties.

The above said FIR was registered at the behest of respondent

No. 2. It is submitted that due to some misunderstandings between the

parties, differences arose between them and the above said FIR was registered. The parties were well known to each others.

With the intervention of respectables, elders and relatives, the matter has been amicably resolved and all misunderstandings between the parties have been cleared. They have decided to put an end to the acrimony between them and wish to live in peace and harmony. The terms and conditions of the compromise were reduced into writing on 20.04.2015 (Annexure P-2).

This Court on 17.03.2017 directed the parties to appear before the learned Illaqa Magistrate on 07.04.2017 for recording their statements in respect to the above-mentioned compromise. Learned Illaqa Magistrate 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 Illaqa Magistrate was directed to intimate whether the petitioners are proclaimed offenders and whether any other case is pending against them. Information was sought as to whether all affected persons are party to the settlement.

Pursuant to order dated 17.03.2017, the parties appeared before the learned Judicial Magistrate 1st Class, Ludhiana and their statements were recorded on 07.04.2017. Separate statements of respondents No. 2 and 3 were recorded in respect to the settlement arrived at between the parties. It is stated by both the said respondents that the matter has been amicably resolved between the parties. The settlement has been arrived at out of their own free will and volition, without any kind of pressure or coercion. It is further stated that both of them have no objection if the above said FIR against both the petitioners is quashed. There is no affected person other

than respondents No. 2 and 3. Joint statement of both the petitioners in respect to the settlement was recorded.

As per report dated 05.05.2017, submitted by the learned Judicial Magistrate 1st Class, Ludhiana, it is opined that the settlement arrived at between the parties is genuine, voluntary and without any coercion or undue influence. It is further mentioned that none of the petitioners are proclaimed offenders.

Learned counsel for respondents No.2 and 3 re-affirms and verifies the factum of settlement between the parties. Respondents No. 2 and 3, it is submitted have no objection, whatsoever, to the quashing of the above mentioned FIR qua both the petitioners.

Learned counsel for the State on instructions from ASI Jagtar Singh, submits that the State in the facts and circumstances of the case, has no objection to the quashing of this FIR on the basis of a settlement 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”.

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 continuance of the present proceedings. It will only lead to wastage of precious time of the court and would be an exercise in futility.

This petition is, thus, allowed and FIR No. 217 dated 22.10.2013 (**Annexure P-1**) registered under Sections 452, 354, 323, 324, 506, 148, 149 IPC at Police Station Division No. 7 (Vardhman), District Ludhiana City alongwith all consequential proceedings arising therefrom are hereby quashed.

May 22, 2017
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes

Whether reportable : Yes/No