

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

**Criminal Misc. No. M-14717 of 2016
Date of Decision : January 09, 2017**

Raghav Madaan

..... Petitioner (s)

VERSUS

State of Haryana and another

..... Respondent (s)

CORAM : HON'BLE MRS. JUSTICE LISA GILL

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

...

Present: Mr. L.M.Gulati, Advocate
for the petitioner (s)

Mr. Anmol Malik, AAG, Haryana,
for the State-respondent No.1.

Mr. Rahul Makkar, Advocate
for respondent No.2.

...

LISA GILL, J. (Oral)

1. Prayer in this petition is for quashing of FIR No.0450 dated 18.8.2015 under Sections 354/354(D)/506 IPC registered at Police Station DLF-ii District Gurgaon as well as subsequent proceedings arising therefrom. The said FIR was registered on the basis of a complaint submitted by respondent No.2.

2. The petitioner is the sole accused in this case. The quashing of the above said FIR is sought on the basis of a settlement (Annexure P-2) which

has been arrived at between the petitioner and respondent No.2. It is submitted that the parties were earlier known to each other. Due to intervention of respectables the dispute between them has been resolved amicably and respondent No.2 has no objection to the quashing of this FIR.

3. It is submitted that pursuant to order dated 7.11.2016 passed by this Court the parties appeared before the learned Judicial Magistrate 1st Class, Gurgaon on 9.11.2016. Their statements have been recorded with regard to the settlement arrived at between the parties. Respoondent No.2-Smt. Saumya Agarwal has stated before the Judicial Magistrate 1st Class, Gurgaon, that she has settled the matter and did not want to proceed further with the present case. She has no objection in case the said FIR against the petitioner is quashed. Statement of the petitioner was also recorded, photocopies of which are attached along with the report dated 22.12.2016 of the learned Judicial Magistrate 1st Class, Gurgaon. In the said report it is opined that the compromise appears to have been voluntarily arrived at. None of the parties are proclaimed offenders neither any such proceedings are pending against them.

4. Learned counsel for the State informs that the report/challan under Section 173 Cr.P.C. in this case was filed but the charge has not been framed.

5. Mr. Rahul Makkar, learned counsel for respoondent No.2, affirms and verifies the factum of settlement arrived at between the parties. He states that respoondent No.2 has no objection whatsoever to the quashing of this FIR. She does not wish to pursue any proceedings arising from this FIR against the petitioner.

6. In ***Kulwinder Singh and others v. 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.”

7. In view of the above, it would be in the interest of justice to quash the above said FIR as no useful purpose would be served by continuing the present proceedings. It will only lead to wastage of precious time of the court and would be an exercise in futility.

8. This petition is, thus, allowed and FIR No. 0450 dated 18.8.2015 under Sections 354/354(D)/506 IPC registered at Police Station DLF-ii District Gurgaon alongwith all consequential proceedings are, hereby, quashed.

9.1.2017
rupi

(LISA GILL)
JUDGE

Note: Whether speaking/reasoned

Yes / No

Whether Reportable:

Yes / No