

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

Criminal Misc. No. M- 13887 of 2017(O&M)

Date of Decision: September 19 , 2017.

Baldeep Singh and another PETITIONER(s)

Versus

State of Punjab and another RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Prabhjot Singh, Advocate
for the petitioners.

Mr. Karanbir Singh, AAG, Punjab.

None for respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.117 dated 16.9.2016 under Section 354 IPC registered at Police Station Mataur, Phase 7, Mohali, SAS Nagar and all other consequential proceedings arising therefrom on the basis of a compromise arrived at between the parties.

The abovesaid FIR, it is submitted, was registered at the instance of respondent No.2 due to certain misunderstandings between the parties. With the intervention of respectables, a compromise was arrived at between the parties, the terms of which were reduced into writing on 26.12.2016 (Annexure P2). The parties wish to live in peace and harmony and put an end to the acrimony between them.

This Court on 19.07.2017 directed the parties to appear before learned Illaqa Magistrate 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 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 19.07.2017, the parties appeared before the learned Judicial Magistrate First Class, SAS Nagar, Mohali and their statements as well as the statement of respondent No.2's sister (the affected person), were recorded on 31.08.2017. Respondent No.2 as well her sister stated that the matter has been amicably resolved with the accused petitioners out of their own free will, without any pressure or coercion. It is further stated that they have no objection, whatsoever, in case the abovesaid FIR is quashed against the accused petitioners. Statements of the petitioners in respect to the settlement was recorded as well.

As per report dated 31.08.2017 received from the learned Judicial Magistrate First Class, SAS Nagar, Mohali, it is opined that the compromise between the parties is genuine and voluntary, arrived at out of free will of the parties without any fear, force or pressure. None of the petitioners are reported to be proclaimed offenders. Statements of the parties are appended alongwith the said report.

Mr. Kanwaljit Singh, Advocate had appeared on behalf of

respondent No.2 before this Court on 19.07.2017. He affirmed and verified the factum of settlement between the parties.

Learned counsel for the State has 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.117 dated 16.9.2016 under Section 354 IPC registered at Police Station Mataur, Phase 7, Mohali, SAS Nagar alongwith all consequential proceedings are, hereby, quashed.

(LISA GILL)
JUDGE

September 19 , 2017.
'om'

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No