

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Date of decision: 20.03.2017

1. CRM No. M-15410 of 2016 (O&M)

Ajaypal Singh @ Vicky and others Petitioners.

Versus

State of Punjab and others Respondents.

AND

2. CRM No. M-15230 of 2016 (O&M)

Gurpreet Singh and others Petitioners.

Versus

State of Punjab and others Respondents.

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Vishal Goel, Advocate for the petitioners
in CRM-M-15410-2016 and for
respondents No. 2 and 3 in CRM-M-15230-2016.

Mr. J.S. Thind, Advocate for the petitioners
in CRM-M-15230-2016 and for
respondents No. 2 and 3 in CRM-M-15410-2016.

Mr. Rajpreet Singh, AAG, Punjab.

LISA GILL, J.

This order shall dispose of two criminal petitions bearing CRM-M-15410-2016 and CRM-M-15230-2016. CRM-M-15410-2016 has been filed under Section 482 of the Code of Criminal Procedure for quashing of FIR No. 61 dated 19.03.2016 (**Annexure P-1**) registered under Sections 295-A, 323, 354 and 506 of the Indian Penal Code (for short 'IPC') at Police Station Sultanwind, District Police Commissionerate, Amritsar and all other consequential proceedings arising therefrom on the basis of an

amicable settlement dated 02.04.2016 arrived at between the parties.

The above said FIR was registered at the behest of respondent No. 2 i.e. Gurpreet Singh. Respondent No. 3 is the affected person in this case. CRM-M-15230-2016 has been filed for quashing of the cross-version i.e. DDR No. 21 dated 19.03.2016 Police Station Sultanwind, District Police Commissionerate, Amritsar in FIR No. 61 dated 19.03.2016 (**Annexure P-1**) registered under Sections 295-A, 323, 354 and 506 of the Indian Penal Code (for short 'IPC') at Police Station Sultanwind, District Police Commissionerate, Amritsar. The cross-version was lodged on the basis of the statement of respondent No. 2-Surinder Kaur in CRM-M-15230-2016. Respondent No. 3-Gurdial Singh is the affected person in this case. It is submitted that the parties are residents of the same colony, in fact, they are neighbours.

With the intervention of respectables, elders and relatives, the matter has been amicably resolved between the parties and the terms of the settlement have been reduced into writing on 02.04.2016 (Annexure P-2) with both the petitions.

This Court on 14.09.2016 directed the parties to appear before the learned Illaqa Magistrate/trial Court on 23.11.2016 for recording their statements in respect to the above-mentioned compromise. Learned trial Court/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/trial court 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 14.09.2016, the parties appeared before the learned Judicial Magistrate 1st Class, Amritsar and their statements were recorded on 18.01.2017/25.01.2017. The statements of Gurpreet Singh and Satwinder Kaur i.e. the complainant/affected person in FIR No. 61 as well as the statements of Surinder Kaur and Gurdial Singh i.e. the affected persons in the cross-version were recorded. Statement of Ajaypal Singh @ Vicky son of Gurpreet Singh, petitioner No. 1 in CRM-M-15410-2016 was recorded as well. It is stated by all the parties that the matter has been amicably resolved between them and the settlement has been arrived at out of the free will and volition of the parties without any coercion, fear or undue influence. It is further submitted that none of them has any objection if the above said FIR and the cross-version against each other are quashed.

As per report dated 18.01.2017/30.01.2017, submitted by the learned Judicial Magistrate 1st Class, Amritsar, it is opined that the compromise arrived at between the parties is genuine and out of their free will without any pressure or coercion. It is further mentioned that none of the petitioners are proclaimed offenders and no other criminal case is pending against either petitioners or respondents.

Learned counsel for the parties affirm and verify the factum of settlement between the parties. It is informed that none of them has any objection to quashing of the above mentioned FIR as well as the cross-version i.e. DDR qua all the persons involved.

Learned counsel for the State on instructions from Head Constable Balwinder Singh verifies the factum of the settlement between the parties and the State has no objection to the quashing of this FIR as well

as the cross-version i.e. DDR 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 well as DDR as no useful purpose would be served by continuing the present proceedings. It will only lead to wastage of the precious time of the court and would be an exercise in futility.

These petitions are, thus, allowed and FIR No. 61 dated 19.03.2016 (**Annexure P-1**) registered under Sections 295-A, 323, 354 and 506 of the IPC at Police Station Sultanwind, District Police Commissionerate, Amritsar and cross-version i.e. DDR No. 21 dated 19.03.2016 Police Station Sultanwind, District Police Commissionerate, Amritsar in FIR No. 61 dated 19.03.2016 (**Annexure P-1**) registered under Sections 295-A, 323, 354 and 506 of the IPC at Police Station Sultanwind, District Police Commissionerate, Amritsar and all other consequential proceedings arising therefrom are hereby quashed.

(LISA GILL)
JUDGE

20.03.2017

Divyanshi

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