

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

Criminal Misc. No. M- 14929 of 2017(O&M)

Date of Decision: September 28 , 2017.

Harinderpal Singh @ Lucky and another PETITIONER(s)

Versus

State of Punjab and another RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Janak Singh Bhinder, 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.14 dated 09.01.2017 under Sections 458/354/506/34 IPC and Section 25 of the Arms Act (the offence under Section 25 of the Arms Act now deleted), registered at Police Station City Sangrur, District Sangrur and all other consequential proceedings arising therefrom on the basis of a compromise arrived at between the parties.

The abovesaid FIR was registered at the instance of respondent No.2. With the intervention of respectables of the area, a compromise was arrived at between the parties, the terms of which were reduced into writing on 21.04.2017 (Annexure P2). The parties wish to live in peace and harmony and put an end to the acrimony between them.

It is submitted that the parties belong to the same area and there is

no impediment to quashing of the abovementioned FIR on the basis of settlement between the parties in order to render complete justice to the parties.

This Court on 20.07.2017 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 20.07.2017, the parties appeared before the learned Chief Judicial Magistrate, Sangrur and their statements were recorded on 10.08.2017. Respondent No.2 stated that the matter has been compromised with the accused petitioners out of her own free will, without any pressure, coercion or undue influence. Respondent No.2 further stated that she has no objection in case the abovesaid FIR is quashed against the accused petitioners. Statements of the petitioners in respect to the settlement were recorded as well.

As per report dated 14.08.2017 received from the learned Chief Judicial Magistrate, Sangrur, it is opined that the compromise arrived at between the parties is genuine and voluntary, arrived at without any pressure or coercion. None of the petitioners are reported to be proclaimed offenders. Statements of the parties are appended alongwith the said report.

Mr. Sandeep Kumar, Advocate had appeared on behalf of respondent No.2 before this Court on 20.07.2017. He affirmed and verified the

factum of settlement between the parties and submitted that respondent No.2 has no objection to the quashing of the abovementioned FIR against the petitioners.

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.14 dated 09.01.2017 under Sections 458/354/506/34 IPC and Section 25 of the Arms Act (the offence under Section 25 of the Arms Act now deleted), registered at Police Station City Sangrur, District Sangrur alongwith all consequential proceedings are, hereby, quashed.

(LISA GILL)
JUDGE

September 28 , 2017.
'om'

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