

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

Criminal Misc. M- No. 16278 of 2017 (O&M)

Date of decision : August 09, 2017

Sher Singh

.....Petitioner

Versus

State of Punjab and another

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Munish Gupta, Advocate
for the petitioner.

Mr. Karambir Singh, AAG, Punjab.

Mr. Nirbhay Singh Gill, Advocate
for respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.139 dated 03.08.2014 under Sections 354, 354A IPC at Police Station Sadar Khanna, District Khanna 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 behest of respondent No.2. It is submitted that due to certain misunderstandings the abovesaid FIR was registered. With the intervention of respectables and relatives, a compromise has been arrived at between the parties, the terms of which were reduced into writing on 19.04.2017 (Annexure P-2). The parties wish to live in peace and harmony and put an end to the acrimony between them.

The present petition has been filed on the basis of this compromise.

This Court on 07.07.2017 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 the petitioner is absconding/proclaimed offender and whether any other case is pending against him. Information was sought as to whether all affected persons are a party to the settlement.

Pursuant to order dated 07.07.2017, the parties appeared before the learned Sub Divisional Judicial Magistrate, Khanna and their statements were recorded on 26.07.2017. Respondent No.2 - complainant stated that the matter has been amicably resolved with the petitioner. Settlement has been arrived at out of her own consent, sweet will and without any pressure and coercion. Written compromise dated 19.04.2017 was placed before the learned Sub Divisional Judicial Magistrate, Khanna as Ex. C1. Respondent No.2 stated that she has no objection to the quashing of the abovesaid FIR against the petitioner. Statement of the petitioner was also recorded. The Investigating Officer, in this case, ASI Balbir Singh appeared and stated that the petitioner has not been declared to be a proclaimed offender in this case.

As per report dated 07.08.2017 received from the learned Sub Divisional Judicial Magistrate, Khanna, it is opined that the compromise between the parties is genuine, arrived at out of free and voluntary consent of both the parties. Statements of the parties are appended alongwith the said report.

Learned counsel for respondent No.2 reaffirms and verifies the factum of settlement between the parties. It is reiterated that respondent No.2 has no objection to the quashing of the abovementioned FIR against

the petitioner.

Learned counsel for the State submits that as the parties have amicably resolved the matter in order to maintain peace and harmony, the State has no objection to the quashing of this FIR 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.139 dated 03.08.2014 under Sections 354, 354A IPC at Police Station Sadar Khanna, District Khanna alongwith all consequential proceedings are, hereby, quashed.

August 09, 2017
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No