

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

Criminal Misc. No. M- 16652 of 2017(O&M)

Date of Decision: November 20 , 2017.

Ashok Kumar @ Om Parkash Bamba and others PETITIONER(s)

Versus

State of Punjab and another RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Maninder Singh Bajwa, Advocate
for the petitioners.

Mr. Rana Harjasdeep Singh, AAG, Punjab.

None for respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.56 dated 02.04.2017 under Sections 354/506 IPC registered at Police Bhikhiwind, District Tarn Taran and all other consequential proceedings arising therefrom on the basis of a compromise arrived at between the parties.

It is submitted that the abovesaid FIR was registered at the instance of respondent No.2 due to some misunderstandings. With the intervention of respectables of the area, the matter has been amicably resolved between the parties as reflected in the compromise/affidavit suffered by respondent No.2 attached as Annexure P2 with this petition. It is submitted that all misunderstandings between the parties have since been removed and they have

decided to live in peace and harmony.

This Court on 10.08.2017 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 10.08.2017, the parties appeared before the learned Judicial Magistrate First Class, Patti and their statements were recorded on 30.08.2017. Respondent No.2 stated that the matter has been amicably resolved by her with all the accused persons with the intervention of the respectables of the area. The settlement, it is stated, has been arrived at out of her own free will, without any coercion, undue influence or pressure. Respondent No.2 stated that she has no objection in case the abovesaid FIR against the accused petitioners is quashed. Joint statement of the petitioners in respect to the settlement was recorded as well.

As per report dated 25.09.2017 received from the learned Judicial Magistrate First Class, Patti, it is opined that the settlement between the parties is genuine and voluntary, arrived at out of their free will, without any coercion or undue influence. None of the petitioners are reported to be proclaimed offenders. Statements of the parties are appended alongwith the said report.

Mr. Jagdish Singh Mahal, Advocate had appeared before this Court

on 10.08.2018. He had affirmed and verified the factum of settlement between the parties and stated that respondent No.2 has no objection to the quashing of the abovementioned FIR against the petitioners pursuant to which parties were directed to appear before the learned Illaqa Magistrate to record their statements as detailed above.

Learned counsel for the State has raised 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.56 dated 02.04.2017 under Sections 354/506 IPC registered at Police Bhikhiwind, District Tarn Taran alongwith all consequential proceedings are, hereby, quashed.

(LISA GILL)
JUDGE

November 20 , 2017.
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No