

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

Criminal Misc. No. M- 16728 of 2017(O&M)

Date of Decision: December 11 , 2017.

Jagjeet Singh @ Jeeta

..... PETITIONER(s)

Versus

State of Punjab and another

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Manoj K.Sharma, Advocate for
Mr. Ritesh Pandey, Advocate
for the petitioner.

Mr. Rahul Rathore, DAG, Punjab.

None for respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.69 dated 06.11.2015 under Section 354A IPC registered at Police Station Fatehgarh Churian, Police District Batala, District Gurdaspur 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 certain misunderstandings. It is stated that the matter has been settled between the parties with the intervention of respectables and all misunderstandings between them have since been cleared. Compromise dated 01.05.2017 (Annexure P2) reflects the same. The parties wish to live in peace and harmony.

This Court on 31.05.2017 directed the parties to appear before learned trial court/Illaq Magistrate for recording their statements in respect to the above-mentioned compromise. Learned trial court/Illaq 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 trial court/Illaq Magistrate 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 31.05.2017, the parties appeared before the learned Judicial Magistrate First Class, Batala and their statements were recorded on 03.07.2017. Respondent No.2 stated that she has amicably resolved the matter with the intervention of respectables out of her own free will, without any pressure, coercion or undue influence. Respondent No.2 further stated that she no longer wishes to continue with the proceedings and she has no objection in case the abovesaid FIR against the accused petitioner is quashed. Statement of the petitioner in respect to the settlement was recorded as well.

As per report dated 05.07.2017 received from the learned Judicial Magistrate First Class, Batala, satisfaction is expressed that the compromise between the parties is genuine and voluntary, arrived at out of the free will of the parties without any undue influence, coercion or threat. The petitioner is not reported to be a proclaimed offender. Statements of the parties are appended alongwith the said report.

Mr. M.S.Saini, Advocate had appeared on behalf of respondent No.2

on earlier occasions. He duly affirmed and verified the factum of settlement between the parties pursuant to which, the parties were directed to appear before the learned trial court/Illaqa Magistrate to record their statements in respect to the settlement.

Learned counsel for the State has not raised any 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. 69 dated 06.11.2015 under Section 354A IPC registered at Police Station Fatehgarh Churian, Police District Batala, District Gurdaspur alongwith all consequential proceedings are, hereby, quashed.

December 11 , 2017.
'om'

(**LISA GILL**)
JUDGE

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