

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

**CRM No. M-17825 of 2015
Date of decision:10.01.2017**

Amarjeet Singh and another

..... Petitioners.

Versus

State of Punjab and others

..... Respondents.

CORAM: HON'BLE MS. JUSTICE LISA GILL

Present: Mr. Amit Saini, Advocate for the petitioner.

Mr. Sultan Singh Gill, DAG, Punjab.

Mr. Amit Kumar, Advocate, for
Mr. B.S. Jatana, Advocate,
for respondent No.2.

LISA GILL, J.

This petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of FIR No. 109 dated 16.05.2015 (**Annexure P-1**) registered under Sections 452,323,341,506,34 of the Indian Penal Code (for short 'IPC'), (Section 354 IPC added subsequently) at Police Station Samrala, District Khanna and all the subsequent proceedings arising therefrom on the basis of an amicable settlement (**Annexure P-2**) arrived at between the parties.

The above said FIR has been registered on the statement of respondent No. 2- Ranjeet Kaur wife of respondent No.3- Harbhajan Singh. Petitioner No. 1 and respondent No.3 are real brothers. Petitioner No. 2 is the son of petitioner No.1 and nephew of respondent No.3.

Due to the intervention of the family members and respectables, the dispute between the parties has been amicably resolved and reduced into writing on 20.05.2015 (Annexure P-2). The parties wish

to live in peace and harmony and put an end to the acrimony between them. Present petition has been filed on the basis of this compromise.

This Court on 27.10.2016 had directed the parties to appear before learned trial court on 07.11.2016 for getting their statements recorded in respect to the above-mentioned compromise. Learned trial court was directed to submit a report regarding the genuineness of the compromise. Learned trial court was also directed to intimate whether any other case is pending against any of the petitioners and regarding proclamation proceedings pending against them.

Pursuant to order dated 27.10.2016, the parties appeared before the learned trial court and their statements were recorded on 07.11.2016. Respondents No. 2 and 3 recorded their statements to the effect that they have settled the matter with the petitioners out of their own free will and without any coercion or pressure. Respondent No.2 - Ranjeet Kaur has specifically stated there is no objection to the quashing of this FIR. Joint statement of petitioners Amarjeet Singh and Harpreet Singh has also been recorded

As per report dated 12.11.2016 of the learned Sub Divisional Judicial Magistrate, Samrala, it is noted that the compromise arrived at between the parties is genuine and voluntary. It has been entered into by the parties out of their own free will and volition, without any undue pressure or coercion. No proclamation proceedings are pending against the petitioners. Copies of the statements of the parties have been appended along with the report.

Learned counsel for the complainant affirms and verifies the factum of settlement between the parties. It is stated that respondent No. 2 has no objection to the quashing of above mentioned FIR.

Learned counsel for the State, on instructions from HC Baldev Singh, submits that the State has no objection to this compromise and consequently quashing of this FIR. The petitioners are not proclaimed offenders and there is no other case pending against them.

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 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.

This petition is, thus, allowed and FIR No. 109 dated 16.05.2015 (Annexure P-1) registered under Sections 452,323,341,506,34 of the Indian Penal Code (for short 'IPC'), (Section 354 IPC added subsequently) at Police Station Samrala, District Khanna and all the subsequent proceedings arising therefrom are, hereby, quashed.

(LISA GILL)
JUDGE

10.01.2017
PA

Whether speaking/reasoned : Yes/No.