

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

**CRM No. M-19123 of 2016
Date of decision: 22.03.2017**

Anshu @ Anshul Kalyan and another

..... Petitioners.

Versus

State of Punjab and another

..... Respondents.

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Parteek Pandit, Advocate, for the petitioners.

Mr. Rajpreet Singh Sidhu, AAG, Punjab

Mr. Nitin Rampal, 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. 51 dated 09.04.2016 (**Annexure P-1**) registered under Sections 323,354,452,148 and 149 of the Indian Penal Code (for short 'IPC') at Police Station Division No.3, District Jalandhar, and all other consequential proceedings arising therefrom on the basis of an amicable settlement arrived at between the parties.

It is submitted that the above said FIR was registered at the behest of respondent No. 2-Smt. Gurmit Kaur due to some misunderstanding.

With the intervention of respectables, elders and relatives, the matter has been amicably resolved between the parties, as reflected in document dated 13.05.2016 (Annexure P-2). The parties wish to live in peace and harmony and put an end to the acrimony between them.

This Court on 07.02.2017 directed the parties to appear before the learned Illaqa Magistrate/trial Court on 23.02.2017 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 Illaq Magistrate/trial court was directed to intimate whether the petitioners are proclaimed offenders and whether any other case is pending against them. Information was sought as to whether all affected persons are party to the settlement.

Pursuant to order dated 07.02.2017, the parties appeared before the learned Additional Chief Judicial Magistrate, Jalandhar and their statements were recorded on 06.03.2017. Respondent No.2-Smt. Gurmit Kaur has stated that the matter has been settled amicably with the accused-petitioners with the intervention of respectables. The settlement has been arrived at out of her own free will, without any pressure, fear or coercion. Respondent No.2 has stated that she is the only affected person in this case and she has no objection in case the above said FIR is quashed against both the petitioners. Separate statements of the petitioners in respect to the settlement were recorded.

As per report dated 08.03.2017, submitted by the learned Additional Chief Judicial Magistrate, Jalandhar, it is opined that the compromise arrived at between the parties is genuine, arrived at out of the free will of the parties, without any undue influence or coercion from any side. It is further mentioned that none of the petitioners are proclaimed offenders, though one case (FIR No. 62 dated 13.04.2016), registered under Sections 323,324,341 and 326 of the IPC at Police Station Division No. 2, Jalandhar is pending against petitioner No. 1 and FIR No. 72/2014 registered under Section 22 of the NDPS Act at Police Station Division No.2, Jalandhar as well as FIR

No. 10/2014 registered under Sections 323,324 and 307 of the IPC at Police Station Division No.2, Jalandhar are pending against petitioner No.2.

It is informed by the learned counsel for the petitioners that in respect to FIR No. 62 dated 13.04.2016, a petition for quashing of the same on the basis of a settlement arrived at between the parties is pending before this Court. FIR No. 62 was registered against petitioner No. 1 by a cousin brother of respondent No. 2.

Learned counsel for the complainant/respondent No.2 reiterates and affirms the factum of settlement between the parties. It is submitted that respondent No. 2 has no objection, whatsoever, to the quashing of the above mentioned FIR qua both the petitioners.

Learned counsel for the State on instructions from ASI Gurnam Singh Singh submits that the State has no objection to this compromise and quashing of this FIR.

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 continuance of the present proceedings. It will only lead to wastage of precious time of the court and would be an exercise in futility.

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This petition is, thus, allowed and FIR No. 51 dated 09.04.2016 (Annexure P-1) registered under Sections 323,354,452,148 and 149 of the Indian Penal Code (for short 'IPC') at Police Station Division No.3, District Jalandhar, alongwith all consequential proceedings arising therefrom are hereby quashed.

(LISA GILL)
JUDGE

22.03.2017
PA

Whether speaking/reasoned : *Yes/No.*

Whether reportable : *Yes/No.*