

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

Crl. Misc. No. M-18956 of 2017 (O&M)

Date of Decision : November 06, 2017

Bindar Singh and othersPetitioners

Versus

State of Punjab and others Respondents

CORAM : HON'BLE MRS. JUSTICE LISA GILL

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Present: Mr. H.P.S.Ghuman, Advocate
for the petitioners.

Mr. Saurav Khurana, DAG, Punjab,
for respondent No.1.

None for respondents No. 2 to 8.

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LISA GILL, J. (Oral)

CRM-26024 of 2017

Amended memo of parties and amended index are taken on
record subject to just exceptions.

Application is disposed of.

CRM-M-18956 of 2017

Prayer in this petition is for quashing of FIR No.23 dated
19.02.2009 under Sections 452, 448, 379, 323, 354, 506, 148, 149, 201 IPC
registered at Police Station Sadar Nabha, Tehsil Nabha, District Patiala
along with all other consequential proceedings arising therefrom on the
basis of compromise dated 24.04.2017 (Annexure P2) arrived at between
the parties.

It is submitted that both the parties belong to the same village.

Therefore, in order to maintain peace and harmony they have decided to bury the hatchet. The complainant-respondent No.2 and the other effected persons i.e. respondents No. 3 to 8 have amicably resolved the dispute with the intervention of the respectables of the village. The terms and conditions have been reduced into writing as reflected in the compromise deed attached as Annexure P2.

Pursuant to order dated 25.05.2017 the parties appeared before the learned Sub Divisional Judicial Magistrate, Nabha, on 02.06.2017. A joint statement of respondents No. 2 to 8 was recorded. All of them stated that the matter has been amicably resolved between the accused-petitioners as they belong to the same village and wish to maintain peace and harmony. They have no objection in case the above mentioned FIR against all the accused persons is quashed. It is further stated that the compromise has been arrived at voluntarily, without any undue pressure. Joint statement of the petitioners in respect to the compromise was recorded as well.

As per report dated 12.09.2017 received from the learned Additional Civil Judge, Senior Division, Nabha, it is opined that the settlement between the parties is genuine, voluntarily arrived at without any pressure. It is submitted that there were eleven accused persons in this case. However, two of them namely Mukhtiar Singh and Niranjana Singh have died. None of the nine petitioners before this Court are reported to be proclaimed offenders. Statements of the parties are appended along with the said report.

Mr.N.S.Diwana, Advocate for Ms. Hem Lata Thakur, Advocate, had appeared on behalf of respondents No. 2 to 8 on 25.05.2017 .

He had affirmed the factum of settlement between the parties pursuant to

which they were directed to appear for recording of their statements.

Learned counsel for the State, on instructions from ASI Mewa Singh, Ravi Kumar, Police Station Sadar, Nabha, submits that 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 above-said 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. 23 dated 19.02.2009 under Sections 452, 448, 379, 323, 354, 506, 148, 149, 201 IPC registered at Police Station Sadar Nabha, Tehsil Nabha, District Patiala along with all consequential proceedings are, hereby, quashed.

06.11.2017
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(LISA GILL)
JUDGE

Note: Whether speaking/reasoned
Whether Reportable:

Yes / No
Yes / No