

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

1. Criminal Misc. No.M- 19003 of 2017(O&M)
Date of Decision: August 17 , 2017.

Bhagat Singh and another PETITIONER(s)

Versus

State of Punjab and another RESPONDENT (s)

2. Criminal Misc. No. M- 19314 of 2017(O&M).

Satish Kumar Kalra and others PETITIONER(s)

Versus

State of Punjab and another RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Manpreet Singh, Advocate
for the petitioners in CRM No.M-19003 of 2017 and
for respondent No.2 in CRM No.M-19314 of 2017.

Mr. J.S.Thakur, Advocate
for the petitioners in CRM No.M-19314 of 2017 and
for respondent No.2 in CRM No.M-19003 of 2017.

Mr. Karanbir Singh, AAG, Punjab.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

LISA GILL, J.

This order shall dispose of Criminal Misc. No.M-19003 of 2017

(Bhagat Singh and another v. State of Punjab and another) and Criminal Misc. No.M-19314 of 2017 (Satish Kumar Kalra and others v. State of Punjab and another).

Petitioners – Bhagat Singh and Gagandeep Singh in CRM No.M-19003 of 2017 seek quashing of FIR No.0111 dated 23.04.2017 under Sections 279/427/354 IPC registered at Police Station City Jagraon, District Ludhiana Rural and all other consequential proceedings arising therefrom on the basis of compromise dated 18.05.2017 arrived at between the parties. The said FIR has been registered at the instance of respondent No.2 – Satish Kumar Kalra i.e., petitioner No.1 in CRM No.M-19314 of 2017.

CRM No.M-19314 of 2017 has been preferred by Satish Kumar Kalra, Anita Kalra and Balwinder Kumar @ Happy for quashing of DDR No.024 dated 23.04.2017 under Sections 295/323/34 IPC registered at Police Station City Jagraon, District Ludhiana Rural on the basis of abovesaid compromise dated 18.05.2017. The said cross-version was recorded at the instance of respondent No.2 – Bhagat Singh i.e., petitioner No.1 in CRM No.M-19003 of 2017.

It is submitted that with the intervention of respectables of the area, the matter has been amicably resolved between the parties, the terms of which were reduced into writing on 18.05.2017. They do not want to take any action against each other in the interest of peace and harmony and wish to put an end to the acrimony between them.

This Court vide orders dated 24.05.2017 in CRM No.M-19003 of 2017 and 25.05.2017 in CRM No.M-19314 of 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 and number of persons arrayed as accused in FIR. Information was also sought whether any of the accused are proclaimed offenders.

Pursuant to abovesaid orders dated 24.05.2017 and 25.05.2017, the parties appeared before the learned Sub Divisional Judicial Magistrate, Jagraon and their statements were recorded on 03.07.2017. In respect to FIR No.0111 dated 23.04.2017, respondent No.2 – Satish Kumar Kalra stated that the matter has been amicably resolved with all the accused persons out of his own free will, without any fear or pressure. He further stated that he has no objection in case the abovesaid FIR is quashed against the petitioners in CRM No.M-19003 of 2017 and the present petition is allowed. Joint statement of Bhagat Singh and Gagandeep Singh, accused in the FIR in respect to the settlement was recorded as well.

In respect to the aforementioned DDR No.024 dated 23.04.2017, respondent No.2 – Bhagat Singh stated that the matter has been amicably resolved with the accused persons out of his own free will, without any fear or pressure and he has no objection in case the abovesaid DDR is quashed against the petitioners in CRM No.M-19314 of 2017 and the present petition is allowed. Joint statement of Satish Kumar Kalra, Anita Kalra and Balwinder Kumar @ Happy, accused in the DDR in respect to the settlement was recorded as well.

Separate reports of even date i.e. 12.07.2017 have been received from the learned Sub Divisional Judicial Magistrate, Jagraon in respect to FIR No.0111 dated 23.04.2017 and DDR No.024 dated 23.04.2017. It is opined that

the settlement arrived at between the parties is genuine and voluntary, without any coercion or undue influence. None of the accused either in the FIR or DDR are proclaimed offenders. Photocopies of the statements of the parties are appended alongwith the said reports.

Learned counsel for parties reaffirm and verify the factum of settlement between the parties. It is submitted the none of the parties wish to pursue the case against each other and have no objection to the quashing of the abovementioned FIR and DDR.

Learned counsel for the State has not raised any serious 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 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.0111 dated 23.04.2017 under Sections 279/427/354 IPC registered at Police Station City Jagraon,

District Ludhiana Rural as well as cross-version registered vide DDR No.024 dated 23.04.2017 under Sections 295/323/34 IPC, Police Station City Jagraon, District Ludhiana Rural alongwith all consequential proceedings are, hereby, quashed.

August 17 , 2017.
'om'

(LISA GILL)
JUDGE

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