

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

Criminal Misc. M- No. 23824 of 2016 (O&M)

Date of decision : July 11, 2017

Virender Kumar

.....Petitioner

Versus

State of Haryana and others

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Rajiv Sharma, Advocate
for the petitioner.

Mr. Anmol Malik, AAG, Haryana
for respondents No. 1 to 3.

Mr. Gautam Kaile, Advocate
for respondent No.4.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No. 361 dated 30.06.2012 registered under Sections 294, 354, 506 of Indian Penal Code (for short – 'IPC') at Police Station Gurgaon City, District Gurgaon and all other consequential proceedings arising therefrom on the basis of a compromise arrived at between the parties.

The abovesaid FIR was registered at the behest of respondent No. 4. It is submitted that the petitioner and respondent No. 4 are relatives. They also live in the same locality. With the intervention of respectables and relatives, a compromise has been arrived at between the parties, the terms of which were reduced into writing on 08.07.2016 (Annexure P-2).

The parties wish to live in peace, in a friendly atmosphere, bearing no ill-will against each other and put an end to the acrimony between them. The terms and conditions of the settlement are reflected in the document attached as Annexure P-2.

This Court on 21.11.2016 directed the parties to appear before learned trial court/Illaqa Magistrate for recording their statements in respect to the above-mentioned compromise. Learned trial court/Illaqa Magistrate was directed to submit a report regarding the number of accused arrayed in the FIR, if they have appeared, made statements and whether any accused is absconding or a Proclaimed offender in this case. Learned trial court/Illaqa Magistrate was also directed to intimate the name of the complainant and injured/aggrieved and whether all of them have appeared and made their statement in support of the complainant. Information was sought as to whether the compromise is genuine, voluntary, arrived at out of free will of the parties and to intimate the stage of trial/proceedings.

Pursuant to order dated 21.11.2016, the parties appeared before the learned Judicial Magistrate First Class, Gurugram and their statements were recorded on 13.02.2017. Respondent No. 4 stated that the petitioner is her brother-in-law (Devar). It is stated by her that the matter has been amicably resolved with the petitioner. The settlement has arrived at out of her own free will, without any kind of pressure or coercion. Respondent No. 4 stated that she has no objection to the quashing of the abovesaid FIR qua the petitioner, who is the sole accused. Statement of the petitioner in respect to the settlement was also recorded.

As per report dated 15.02.2017 received from the learned Judicial Magistrate First Class, Gurugram, it is opined that the settlement

between the parties is genuine. It has been arrived at out of the free will of both the parties without any force or undue influence. The accused petitioner, it is reported, is not the proclaimed offender. The statements of the parties are appended alongwith the said report.

Learned counsel for respondent No.4 reaffirms and verifies the factum of settlement between the parties, who are close relatives. It is reiterated that respondent No. 4 has no objection to the quashing of the abovementioned FIR against the petitioner.

Learned counsel for the State, on instructions from ASI Sunil Kumar, submits that in view of the settlement between the parties, the State has no objection to the quashing of this FIR as the chances of conviction of the petitioner are rendered bleak.

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 relationship between the parties and the fact that they wish to live in peace and harmony, it would be in the interest of justice to quash the abovesaid FIR to maintain harmony within the parties.

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. 361 dated 30.06.2012 registered under Sections 294, 354, 506 IPC at Police Station Gurgaon City, District Gurgaon alongwith all consequential proceedings are, hereby, quashed.

July 11, 2017
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes

Whether reportable : Yes/No