

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

CRM No. M-23889 of 2016 (O&M)

Date of decision: 02.06.2017

Amrik Singh and others

..... Petitioners.

Versus

State of Punjab and another

..... Respondents.

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Ms. Amanpreet Kaur, Advocate, for
Mr. H.N.S, Gill, Advocate, for the petitioners.
Mr. Rajpreet Singh Sidhu, AAG, Punjab.

Mr. Deepak Bhardwaj, Advocate, for respondent No.2.

LISA GILL, J.

CRM No. 18899 of 2017

Application is allowed. Affidavit of petitioners No. 9 and 10,

Annexures P-4 and P-5, are taken on record subject to just exceptions.

CRM-M-23889-2016

This petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of FIR No. 330 dated 24.12.2015 (**Annexure P-1**) registered under Sections 447,511,354,323,506,148,149 of the Indian Penal Code (for short 'IPC') at Police Station Patran, District Patiala and all other consequential proceedings arising therefrom on the basis of an amicable settlement (**Annexure P-2**) arrived at between the parties.

It is submitted the above said FIR was registered at the behest of respondent No.2 against all the ten petitioners on account of certain misunderstandings. With the intervention of respectables, elders and relatives, the matter has been amicably resolved between the parties. The parties wish to live in peace and harmony and put an end to the acrimony between them. The terms and conditions of the settlement were reduced into

writing on 24.05.2016 (Annexure P-2). The present petition has been filed on the basis of this compromise.

This Court on 22.11.2016 and 14.03.2017 directed the parties to appear before the learned trial Court/Illaq Magistrate for recording their statements in respect to the above-mentioned compromise. Learned trial court 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. Learned trial court was directed to intimate whether the petitioners are proclaimed offenders and whether any other case is pending against him.

Pursuant to orders dated 22.11.2016 and 14.03.2017, the parties appeared before the learned Judicial Magistrate 1st Class, Samana and their statements were recorded on 05.04.2017. Respondent No.2 stated that the matter has been amicably resolved with all the accused persons with the intervention of respectables of the society. The compromise has been arrived at voluntarily out of her own free will, without any kind of pressure, threat, coercion or undue influence. She has stated that the compromise is valid and genuine. There are ten accused in this case, out of whom eight have appeared. Respondent No. 2 categorically stated that she, however, did not wish to pursue this matter against any of the ten accused and has no objection to the quashing of this FIR against all the petitioners. Statements of petitioners No. 1 to 8 in respect to the settlement were recorded. Affidavits of respondents No. 9 and 10 have been filed in respect to the said settlement.

As per report dated 28.04.2017, submitted by the learned Judicial Magistrate 1st Class, Samana, it is opined that the compromise between the parties is genuine, arrived at voluntarily out of the free will of the parties, without any pressure, coercion or undue influence from any corner. None of

the accused persons are proclaimed offenders/person and neither are any such proceedings pending against them.

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

Learned counsel for the State on instructions from ASI Jagat Nath Singh submits that the State has no objection to the quashing of this FIR on the basis of the settlement 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”.

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.

This petition is, thus, allowed and FIR No 330 dated 24.12.2015 registered under Sections 447,511,354,323,506,148,149 of the IPC at Police Station Patran, District Patiala alongwith all consequential proceedings arising therefrom are hereby quashed qua the petitioners.

02.06.2017

PA

(LISA GILL)
JUDGE

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