

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

**CRM No. M-2417 of 2017
Date of decision: 28.04.2017**

Jagdeep Singh @ Gaggi

..... Petitioner.

Versus

State of Punjab and another

..... Respondents.

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Achin Gupta, Advocate, for the petitioner.

Mr. Rajpreet Singh Sidhu, AAG, Punjab.

Mr. Sukhmeet Singh, 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. 27 dated 18.04.2014 (**Annexure P-1**) registered under Sections 354-A, 354-D and 509 of the Indian Penal Code (for short 'IPC') at Police Station Sadar Faridkot, District Faridkot 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. Gurmeet Kaur due to certain misunderstanding.

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. Present petition has been filed on the basis of this compromise.

This Court on 07.03.2017 directed the parties to appear before the learned trial Court on 20.03.2017 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 without any threat, coercion or undue pressure. Learned trial court was directed to intimate whether the petitioner is a proclaimed offender and whether any other case is pending against him.

Pursuant to order dated 07.03.2017, the parties appeared before the learned Additional Chief Judicial Magistrate, Faridkot and their statements were recorded on 20.03.2017. Respondent No.2-Smt. Gurmeet Kaur has stated that the matter has been amicably resolved with the intervention of Panchayat and respectables. The accused-petitioner is her relative. The settlement has been arrived at out of her own free will, without any threat, pressure, coercion or undue influence. It is stated by respondent No. 2 that she does not wish to proceed further against the petitioner and has no objection to the quashing of the aforementioned FIR against the petitioner. Statement of the petitioner in respect to the settlement was recorded.

As per report dated 19.04.2017, submitted by the learned Additional Chief Judicial Magistrate, Faridkot, it is opined that the compromise between the parties is voluntary, genuine and arrived at without any threat, pressure, coercion or undue influence. The petitioner is the sole accused. He is not a proclaimed offender and neither are any such proceedings pending against him.

Learned counsel for the complainant/respondent No.2 reiterates that the matter has been amicably resolved between the parties. It is stated that respondent No. 2 has no objection, whatsoever, to the quashing of the above mentioned FIR qua the petitioner.

Learned counsel for the State on instructions from ASI Charanjit Singh submits that the State has no objection to the quashing of the above said FIR on the basis of this compromise.

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. 27 dated 18.04.2014 registered under Sections 354-A, 354-D and 509 of the IPC at Police Station Sadar Faridkot, District Faridkot alongwith all consequential proceedings arising therefrom are hereby quashed qua the petitioner.

(LISA GILL)
JUDGE

28.04.2017

PA

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