

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

**CRM No. M-26389 of 2016
Date of decision: 16.03.2017**

Taranjit Singh and another

..... Petitioners.

Versus

State of Punjab and others

..... Respondents.

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Naresh Kumar Manchanda, Advocate, for the petitioners.

Mr. Arshdeep Singh Kler, DAG, Punjab

Respondent No.2- Smt. Pritpal Kaur in person.

LISA GILL, J.

This petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of FIR No. 253 dated 27.11.2014 (**Annexure P-1**) registered under Sections 279,323,354-A, 506 and 427 of the Indian Penal Code (for short 'IPC') at Police Station Morinda, District Rupnagar 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 that the above said FIR was registered at the behest of respondent No. 2-Smt. Pritpal Kaur due to some misunderstanding.

With the intervention of respectables, elders and relatives, the matter has been amicably resolved between the parties. They wish to live in peace and harmony and put an end to the acrimony between them. They are the residents of the same town. Present petition has been filed on the basis of this compromise.

This Court on 01.12.2016 directed the parties to appear before the learned Illaqa Magistrate/trial Court on 23.12.2016 for recording their statements in respect to the above-mentioned compromise. Learned trial court/Illaqa Magistrate 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 coercion, fear or undue influence. Learned Illaqa Magistrate/trial court was directed to intimate whether the petitioners are proclaimed offenders and whether any other case is pending against them. Information was sought as to whether all affected persons are party to the settlement.

Pursuant to order dated 01.12.2016, the parties appeared before the learned Judicial Magistrate 1st Class, Ropar and their statements were recorded on 22.12.2016. Joint statement of respondents No.2 to 4 (statement of respondent No. 4- Jasmeen through her mother Pritpal Kaur, respondent No.1) was recorded. They have stated that the settlement arrived at between the parties is voluntary, without any kind of threat, pressure or coercion. It is stated that they have no objection to the quashing of the abovementioned FIR against both the petitioners. Joint statement of both the petitioners in respect to the settlement was also recorded.

As per report dated 17.01.2017, submitted by the learned Judicial Magistrate 1st Class, Rupnagar, it is opined that the settlement between the parties is genuine, voluntary and without any coercion or undue influence. It is noted that none of the petitioners are proclaimed offenders.

Respondent No. 2- Smt. Pritpal Kaur, duly identified by ASI Haredev Singh, is present in Court. She has affirmed that the matter has been amicably resolved between the parties and she has no objection to the quashing

of this FIR qua all the petitioners. She further stated that her husband and minor daughter (respondents No. 3 and 4) also have no objection in case the above said FIR is quashed.

Learned counsel for the State on instructions from ASI Hardev Singh submits that the State has no objection to this compromise and quashing of this FIR.

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. 253 dated 27.11.2014 registered under Sections 279,323,354-A, 506 and 427 of the IPC at Police Station Morinda, District Rupnagar alongwith all consequential proceedings arising therefrom are hereby quashed.

(LISA GILL)
JUDGE

16.03.2017

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