

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

CRM No. M-26690 of 2016 (O&M)

Date of decision: 10.05.2017

Manpreet Singh and others

..... Petitioners.

Versus

State of Punjab and another

..... Respondents.

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Bir Daavinder Singh, Advocate, for the petitioners.

Mr. Rajpreet Singh Sidhu, AAG, Punjab.

Mr. B.S. Toor, 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. 97 dated 29.05.2014 (**Annexure P-1**) registered under Sections 452,354,509,506,323,148 and 149 of the Indian Penal Code (for short 'IPC') at Police Station Dakha District Ludhiana Rural and all other consequential proceedings arising therefrom on the basis of an amicable settlement (**Annexure P-2**) arrived at between the parties.

Learned counsel for the State on instructions from ASI Harpreet Singh informs that the final report under Section 173 Cr.P.C has been presented only against petitioners No. 1 and 2. Petitioners No. 3 to 10 have been found innocent during investigation.

Learned counsel for the petitioners in this view of the matter seeks to withdraw this petition qua petitioners No. 3 to 10. He seeks to withdraw criminal miscellaneous No. 15018 of 2017 as well.

This petition qua petitioners No. 3 to 10 is dismissed as withdrawn. It survives only qua petitioners No. 1 and 2. Criminal Miscellaneous No. 15018 of 2017 is dismissed as withdrawn.

It is submitted that the above said FIR was registered on account of misunderstanding between the parties. 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 11.05.2016 (Annexure P-2). The present petition has been filed on the basis of this compromise.

This Court on 05.12.2016 directed the parties to appear before the learned trial Court/Illaq Magistrate on 22.12.2016 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 order dated 05.12.2016, the parties appeared before the learned Judicial Magistrate 1st Class, Ludhiana and their statements were recorded on 22.12.2016. Respondent No.2 stated that the matter has been amicably resolved with all the accused persons. The settlement has been arrived at out of her own free will without any pressure or coercion. It is stated that she no longer wishes to continue with the said proceedings and has no objection in case the above said FIR is quashed against the petitioners. A joint statement of respondent No. 3- Karam Singh, respondent No. 4- Swaranjit Kaur and respondent No. 5- Kuldeep Singh was recorded in respect to the settlement. Respondents No. 3 to 5 have reiterated the factum of settlement between the parties. They have stated that they too have no objection in case the above said FIR is quashed qua all the petitioners. Joint statement of petitioners- Manpreet

Singh and Mehar Singh along with other accused (not proceed against) in respect to the compromise was also recorded.

As per report dated 22.12.2016, submitted by the learned Judicial Magistrate 1st Class, Ludhiana, it is opined that the settlement between the parties is genuine, voluntary, arrived at between the parties out of their own free will without any pressure coercion or undue influence. It is stated that respondent No. 2/complainant as well as respondents No. 3 to 5 i.e. the aggrieved persons in this case have all appeared and recorded their statement in respect to the settlement. None of the accused persons are proclaimed offenders.

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. Respondents No. 3 to 5 have recorded their respective statements before the learned Judicial Magistrate 1st Class, Ludhiana that they have no objection to the quashing of this FIR against the petitioners.

Learned counsel for the State on instructions from ASI Harpreet 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 97 dated 29.05.2014 registered under Sections 452,354,509,506,323,148 and 149 of the IPC at Police Station Dakha District Ludhiana Rural alongwith all consequential proceedings arising therefrom are hereby quashed qua the petitioners.

(LISA GILL)
JUDGE

10.05.2017

PA

Whether speaking/reasoned : *Yes/No.*

Whether reportable : *Yes/No.*