

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

Criminal Misc. M- No. 27058 of 2016 (O&M)

Date of decision : August 09, 2017

Rajdeep Singh @ Raja

.....Petitioner

Versus

State of Punjab and others

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. B.S. Chahal, Advocate for
Mr. Harchand Singh Batth, Advocate
for the petitioner.

Mr. Devinder Bir Singh, DAG, Punjab.

Mr. Gaurav Kalsi, Advocate
for respondents No.2 and 3.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No. 43 dated 01.04.2016 under Sections 365, 354A, 34 IPC at Police Station Cantonment Amritsar, District Amritsar City and all other consequential proceedings arising therefrom on the basis of a compromise arrived at between the parties.

It is submitted that the petitioner as well as the complainant party are residents of the same village. The abovesaid FIR was registered due to certain misunderstandings between the parties. 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 12.07.2016 (Annexure P-2). The parties wish to live in peace and harmony and put an

end to the acrimony between them. The present petition has been filed on the basis of this compromise.

This Court 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 genuineness of the compromise and number of accused persons involved in this case. Learned Illaqa Magistrate/trial court was directed to intimate whether any of the accused are declared to be proclaimed offenders.

Pursuant to orders dated 30.03.2017 and 26.05.2017, the parties appeared before the learned Judicial Magistrate First Class, Amritsar and their statements were recorded on 08.06.2017. The complainant - respondent No.2 and the victim – respondent No. 3 stated that the matter has been amicably resolved with the petitioner. The settlement between the parties is genuine, arrived at voluntarily, without any undue influence and pressure. Respondents No. 2 and 3 stated that they have no objection in case the abovesaid FIR qua the petitioner is quashed. Statement of the petitioner in respect to the compromise was also recorded.

As per report dated 13.06.2016 received from the learned Judicial Magistrate First Class, Amritsar it is opined that the compromise between the parties is genuine, voluntary, arrived at without any coercion or undue influence. The petitioner is not reported to be a proclaimed offender. Statements of the parties are appended alongwith the said report.

Learned counsel for respondents No.2 and 3 affirms and verifies the factum of settlement between the parties. It is reiterated that respondents No.2 and 3 have no objection to the quashing of the

abovementioned FIR against the petitioner.

Learned counsel for the State submits that as the parties have amicably resolved the matter in order to maintain peach and harmony, the State has no objection to the quashing of this FIR on the basis of a settlement arrived at 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”.

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. The chances of conviction of the petitioner in view of the stand of the complainant-victim are extremely bleak. 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. 43 dated 01.04.2016 under Sections 365, 354A, 34 IPC at Police Station Cantonment Amritsar, District Amritsar City alongwith all consequential proceedings are, hereby, quashed.

August 09, 2017
rts

(Lisa Gill)
Judge

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