

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

Criminal Misc. No. M- 26637 of 2015(O&M)

Date of Decision: September 20 , 2017.

Sher Singh and another PETITIONER(s)

Versus

State of Punjab and others RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Jasmeet Singh Ghumman, Advocate
for the petitioners.

Mr. Karanbir Singh, AAG, Punjab.

Mr. Neeraj Madaan, Advocate for
Mr. G.S.Pannu, Advocate
for respondents No.2 and 3.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.83 dated 15.05.2013 under Sections 354A/323/34 IPC registered at Police Station City Sunam and all other consequential proceedings arising therefrom on the basis of a compromise arrived at between the parties.

It is submitted that due to a misunderstanding between the parties, the abovesaid FIR was registered at the instance of respondent No.3. However, with the intervention of respectables of the village and common friends, the misunderstanding has been cleared and the matter has been amicably settled.

The terms and conditions were reduced into writing on 25.07.2017. The parties

wish to live in peace and harmony and put an end to the acrimony between them.

Accordingly, the parties were directed to record their statements in respect to the settlement vide order dated 24.09.2015. Learned trial court was directed to submit a report regarding the genuineness of the compromise.

Pursuant thereto, statements of respondent No.2 i.e., the mother of the complainant as well as the petitioners were recorded before the learned Sub Divisional Judicial Magistrate, Sunam on 15.10.2015. Respondent No.2 i.e., the complainant's mother stated that the matter was amicably resolved with the accused petitioners with the intervention of respectable persons of the area. Her daughter (respondent No.3) could not appear before court as she was married at village Boharpur, District Patiala and her husband was bed-ridden. She further stated that the matter was amicably resolved out of their own free will without any kind of threat, coercion or pressure and they have no objection to the quashing of the aforementioned FIR against the accused petitioners.

However, this matter was adjourned as it was noticed that respondent No.3 i.e., the complainant/victim was minor and the compromise, in question, was arrived at with the mother of the complainant. In the meantime, respondent No.3 attained majority, her date of birth being 31.01.1998. Accordingly, it was directed by this Court on 05.07.2017 that statement of the complainant/respondent No.3 after having attained majority, be recorded in respect to the settlement.

Pursuant to order dated 05.07.2017, statement of the complainant/respondent No.3 was recorded before the learned Sub Divisional Judicial Magistrate, Sunam on 11.08.2017 in respect to the settlement. The complainant/respondent No.3 stated that she was minor at the time of registration of FIR in

question but has now attained majority. The matter has been amicably resolved with both the accused petitioners out of her own free will and consent, without any coercion, undue influence or fear and she has no objection in case the abovesaid FIR is quashed against the accused petitioners.

As per report dated 23.08.2017 received from the learned Sub Divisional Judicial Magistrate, Sunam, it is opined that the settlement between the parties is voluntary, arrived at out of the free will of the parties, without any coercion, undue influence or fear. None of the petitioners are reported to be proclaimed offenders. Statements of the parties are appended alongwith the said report.

Learned counsel for respondents No.2 and 3 reaffirms 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 both the petitioners.

Learned counsel for the State has no serious objection to the quashing of the FIR in question as well as all consequential proceedings 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. 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.83 dated 15.05.2013 under Sections 354A/323/34 IPC registered at Police Station City Sunam alongwith all consequential proceedings are, hereby, quashed.

September 20 , 2017.
'om'

(LISA GILL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No