

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

CRM No. M-28018 of 2016

Date of decision: 17.04.2017

Vineet Goyal

..... Petitioner.

Versus

State of Haryana and another

..... Respondents.

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Randeep S. Dhull, Advocate, for the petitioner.

Mr. Sanjay K. Saini , AAG, Haryana.

Mr. Sanjeev Majra, 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. 213 dated 22.05.2016 (**Annexure P-1**) registered under Sections 323, 354-A, 506, 34 of the Indian Penal Code (for short 'IPC') at Police Station City Kaithal, District Kaithal and all other consequential proceedings arising therefrom on the basis of an amicable settlement (**Annexure P-2**) arrived at between the parties.

The above said FIR was registered at the behest of respondent No. 2-Gourav Verma, who is the husband of the victim/affected person, alleging commission of offences punishable under Sections 323, 354-A, 506, 34 of the IPC.

With the intervention of respectables, elders and friends, a compromise has been arrived at between the parties. It is submitted that the settlement has been arrived at in the interest of peace and harmony between the parties, who wish to put an end to the acrimony between them. The terms and conditions of the settlement were reduced into writing on 07.07.2016 (**Annexure P-2**). Present petition has been filed on the basis of this compromise.

This Court on 09.01.2017 directed the parties to appear before the learned Illaqa Magistrate/trial Court on 24.01.2017 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 fear, apprehension, undue influence or coercion. Learned Illaqa Magistrate/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 09.01.2017, the parties appeared before the learned Chief Judicial Magistrate, Kaithal and their statements were recorded on 04.03.2017. Respondent No.2- Gourav Verma stated that the matter has been compromised with accused without any pressure, coercion or undue influence. Respondent No. 2 stated that he has no objection, whatsoever, to the quashing of the above said FIR against the petitioner. Statement of the petitioner in respect to the settlement was also recorded. Statement of the victim/affected person was recorded before the learned Chief Judicial Magistrate, Kaithal on 01.04.2017. The victim/affected person i.e. the wife of respondent No.2, stated that the matter has been settled on 07.07.2016 voluntarily, without any pressure, coercion or undue influence. She has stated that there is no objection to the quashing of the above said FIR against the petitioner.

As per report dated 04.03.2017/01.4.2017, submitted by the learned Chief Judicial Magistrate, Kaithal, it is opined that the parties have amicably resolved the matter. Photocopies of the statements of the parties have been appended alongwith the report.

Learned counsel for the complainant/respondent No.2 affirms 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 petitioner.

Learned counsel for the State on instructions from ASI Mahavir, Police Station City, Kaithal submits that the State has no objection to the quashing of this FIR on the basis of the 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”.

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.213 dated 22.05.2016 registered under Sections 323,354-A,506,34 of the IPC at Police Station City Kaithal, District Kaithal alongwith all consequential proceedings arising therefrom are hereby quashed qua the petitioner.

17.04.2017

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(LISA GILL)
JUDGE

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