

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

Criminal Misc. No.M- 29943 of 2017 (O&M)

Date of decision : November 10, 2017

Bhupinder Sharma

.....Petitioner

Versus

State of Haryana and another

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Sushil Bhardwaj, Advocate for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

Mr. G.C. Shahpuri, Advocate for respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No. 295 dated 15.08.2013 under Sections 341, 354, 427, 506 IPC registered at Police Station Farakpur, District Yamuna Nagar and all other consequential proceedings arising therefrom on the basis of a compromise arrived at between the parties.

It is submitted that both the parties are well known to each other and all their grievances and misunderstandings have been removed. The matter has been amicably resolved between the parties. A compromise has been arrived at between the parties, the terms of which were reduced into writing on 10.08.2017 (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 on 17.08.2017 directed the parties to appear before learned trial court 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 without any coercion, fear or undue influence. Learned trial court was also directed to intimate whether any of the petitioner is are absconding/proclaimed offenders and whether any other case is pending against him. Information was sought as to whether all affected persons are a party to the settlement.

Pursuant to order dated 17.08.2017, the parties appeared before the learned Judicial Magistrate First Class, Jagadhri and their statements were recorded on 01.09.2017. Respondent No.2/complainant, who is the affected person as well, stated that the matter has been amicably resolved by her with the accused petitioners with the intervention of the relatives and respectables. It is stated that the settlement has been arrived at out of her own free will, without any pressure and coercion. Respondent No.2 stated that she has no objection to the quashing of the abovesaid FIR qua the petitioners. Statement of the petitioner in respect to the compromise was also recorded.

As per report dated 25.09.2017 received from the learned Judicial Magistrate First Class-cum-Civil Judge (Junior Division), Yamuna Nagar at Jagadhri, it is opined that the settlement between the parties is genuine, voluntary, 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 respondent No.2 reaffirms and verifies the factum of settlement between the parties. It is reiterated that respondent No.2 has no objection to the quashing of the abovementioned FIR.

Learned counsel for the State, on instructions from SI

Lakhminder, submits that as the parties have amicably resolved the matter in order to maintain peace 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. 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. 295 dated 15.08.2013 under Sections 341, 354, 427, 506 IPC registered at Police Station Farakpur, District Yamuna Nagar alongwith all consequential proceedings are, hereby, quashed.

November 10, 2017
rts

(Lisa Gill)
Judge

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