

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM No. M-31381 of 2016
Date of decision: 25.04.2017

Amritpal Singh

..... Petitioner.

Versus

State of Punjab and another

..... Respondents.

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Arun Singla, Advocate, for the petitioner.

Mr. K.D. Sachdeva, Addl.A.G., Punjab.

Mr. Gaurav Chadda, 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. 91 dated 14.08.2016 (**Annexure P-1**) registered under Sections 354-A, 452 and 506 of the Indian Penal Code (for short 'IPC') at Police Station Kulgari, District Ferozepur and all other consequential proceedings arising therefrom on the basis of an amicable settlement (**Annexure P-2**) arrived at between the parties.

It is submitted that the above said FIR was registered at the behest of respondent No. 2-Smt. Kulwinder Kaur due to a 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 compromise were reduced into writing on 21.08.2016. The compromise is on record of this petition as Annexure P-2. The present petition has been filed on the basis of this compromise.

This Court on 27.02.2017 directed the parties to appear before the learned trial Court on 06.03.2017 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 fear, apprehension, undue influence or coercion. Learned 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 27.02.2017, the parties appeared before the learned Judicial Magistrate 1st Class, Ferozepur and their statements were recorded on 06.03.2017. Respondent No.2-Smt. Kulwinder Kaur has stated that the matter has been amicably resolved between the parties. The settlement has been arrived at out of her own free will, without any kind of coercion or undue influence. Now no grudge or enmity remains between the parties. Respondent No. 2 stated that she has no objection to the quashing of the above said FIR against the petitioner. Statement of the petitioner in respect to the settlement was also recorded.

As per report dated 01.04.2017, submitted by the learned Judicial Magistrate 1st Class, Ferozepur, it is opined that the settlement between the parties is genuine, it has been arrived at out of their free will and volition without any fear, apprehension, undue influence or coercion. The petitioner is the sole accused in this case and he is not a proclaimed offender. No other case is stated to be pending against the petitioner.

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 petitioner.

Learned counsel for the State, in view of the facts and circumstances of the case, does not raise any serious objection to the quashing of the above said 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”.

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. 91 dated 14.08.2016 registered under Sections 354-A, 452 and 506 of the IPC at Police Station Kulgari, District Ferozepur alongwith all consequential proceedings arising therefrom are hereby quashed qua the petitioner.

(LISA GILL)
JUDGE

25.04.2017
PA

Whether speaking/reasoned : *Yes/No.*

Whether reportable : *Yes/No.*