

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

**CRM No. M-31687 of 2016
Date of decision: 18.01.2017**

Gurwinder Singh

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MS. JUSTICE LISA GILL

Present: Mr. Narinder Kumar Awasthi, Advocate for the petitioner.

Mr. Gurinderjit Singh, DAG, Punjab.

Mr. R.S. Sidhu, 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. 24 dated 13.02.2016 registered under Section 354-A of the Indian Penal Code (for short 'IPC') at Police Station Chhajli District Sangrur and all other consequential proceedings arising therefrom on the basis of an amicable settlement arrived at between the parties.

The above said FIR was registered on the statement of respondent No.2-Smt. Kiran Pal Kaur alleging commission of offence under Section 354-A IPC qua the petitioner.

Due to the intervention of respectables and relatives, a compromise has been arrived at between the parties, the terms of which were reduced in writing on 24.08.2016. The parties wish to live in peace and harmony and put an end to the acrimony between them. Present petition has been filed on the basis of this compromise.

This Court on 07.11.2016 had directed the parties to appear before the learned trial court on 09.12.2016 for getting their statements recorded 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 the petitioner is absconding/proclaimed offender and whether any other case is pending against him. Information was sought as to whether all affected persons are party to the settlement.

Pursuant to order dated 07.11.2016, the parties appeared before the learned Judicial Magistrate 1st Class, Sunam and their statements were recorded on 09.12.2016. Smt. Kiranpal Kaur -respondent No.2 made a statement to the effect that she has compromised the matter out of her own free will and volition, without any coercion, undue influence or fear. Further she has no objection in case the FIR is quashed. Statement of the petitioner was also recorded.

As per report dated 13.12.2016 of the learned Judicial Magistrate 1st Class, Sunam, it is noted that the compromise effected between the parties is genuine, entered into out of their own free will and consent, without any coercion, undue influence or fear. Statements of the parties have been appended alongwith the report.

Learned counsel for respondent No.2 affirms and verifies the factum of settlement between the parties. It is stated that respondent No. 2 has no objection to the quashing of above mentioned FIR.

Learned counsel for the State, on instructions from HC Jaibna Nand submits that the State has no objection to this compromise and quashing of this FIR.

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 continuing the present proceedings. It will only lead to wastage of the precious time of the court and would be an exercise in futility.

This petition is, thus, allowed and FIR No. 24 dated 13.02.2016 registered under Section 354-A IPC at Police Station Chhajli District Sangrur alongwith all consequential proceedings are hereby quashed.

(LISA GILL)
JUDGE

18.01.2017
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Whether speaking/reasoned : *Yes/No.*

Whether reportable : *Yes/No.*