

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

Criminal Misc. No.M- 31766 of 2016 (O&M)

Date of decision : September 19, 2017

Jagsir Singh and others

.....Petitioners

Versus

State of Punjab and others

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. T.P.S. Makkar, Advocate for the petitioners.

Mr. Devinder Bir Singh, DAG, Punjab.

Mr.V.P.S. Mithewal, Advocate for

Mr. M.S. Sidhu, Advocate for respondents No.2 and 3.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No. 158 dated 28.09.2014 under Sections 354, 452, 323, 149, 506 IPC registered at Police Station Canal Colony Bathinda, District Bathinda and all other consequential proceedings arising therefrom on the basis of a compromise arrived at between the parties.

It is submitted that petitioner No. 2 is the wife of respondent No. 3. The abovesaid FIR primarily stems from matrimonial discord between petitioner No. 2 and respondent No. 3. With the intervention of respectables and relatives, a compromise has been arrived at between the parties, the terms of which were reduced into writing on 20.08.2016 (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 17.05.2017 directed the parties to appear before learned Illaqa Magistrate for recording their statements in respect to the above-mentioned compromise. Learned Illaqa Magistrate was directed to submit a report regarding the genuineness of the compromise, as to whether it has been arrived at voluntarily, without any coercion or undue influence. Learned Illaqa Magistrate was also directed to intimate whether any of the accused are proclaimed offenders. Information was sought regarding number of persons arrayed as accused.

Pursuant to order dated 17.05.2017, the parties appeared before the learned Judicial Magistrate First Class, Bathinda and their statements were recorded on 30.05.2017. Respondent No.2 – Paramjit Kaur as well as respondent No. 3 – Sukhchain Singh stated that the matter has been amicably resolved with all the accused persons. Compromise has been effected out of their free will, without any pressure or coercion. It is further submitted that they have no objection whatsoever to the quashing of the abovesaid FIR qua the accused petitioners. Statements of all the petitioners in respect to the compromise were also recorded.

As per report dated 19.06.2017 received from the learned Judicial Magistrate First Class, Bathinda it is opined that the compromise between the parties is genuine, voluntary, arrived at without any coercion or undue influence. None of the seven accused persons are reported to be proclaimed offenders. Statements of the parties are appended alongwith the said report.

Learned counsel for respondents No.2 and 3 affirms 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 all the petitioners.

Learned counsel for the State, on instructions from ASI Raghvir Singh, 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. 158 dated 28.09.2014 under Sections 354, 452, 323, 149, 506 IPC registered at Police Station Canal Colony Bathinda, District Bathinda alongwith all consequential proceedings are, hereby, quashed.

September 19, 2017

rts

(Lisa Gill)
Judge

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