

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

Criminal Misc. No. M- 32054 of 2017(O&M)

Date of Decision: December 15 , 2017.

Mohit Goyal

..... PETITIONER(s)

Versus

Union Territory, Chandigarh and another

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Arjun Kundra, Advocate
for the petitioner.

Mr. Parveen Chauhan, Advocate for
Mr. Gagandeep S.Wasu, APP, U.T.

Mr. J.S.Thakur, Advocate
for the complainant/respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.216 dated 27.07.2017 under Sections 354/354A/354D/506/509 IPC registered at Police Station Sector 17, Chandigarh and all other consequential proceedings arising therefrom on the basis of a compromise arrived at between the parties.

It is submitted that the abovesaid FIR was registered at the instance of respondent No.2 due to certain misunderstandings between the parties. The said misunderstandings have since been removed with the intervention of respectables, elders and relatives. The parties seek to live in peace and harmony after shedding all acrimony. The terms of compromise arrived at between the parties were reduced into writing on 09.08.2017 (Annexure P2). Respondent

No.2, it is submitted, does not wish to pursue the matter any longer.

This Court on 26.09.2017 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 out of the free will and volition of the parties without any coercion, fear or undue influence. Learned Illaqa Magistrate 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 a party to the settlement.

Pursuant to order dated 26.09.2017, the parties appeared before the learned Chief Judicial Magistrate, Chandigarh and their statements were recorded on 16.10.2017. Respondent No.2 stated that she has amicably resolved the dispute with the petitioner on 09.08.2017 with the intervention of respectable persons of the society. The compromise, it is stated, has been arrived at out her own free will and consent without any pressure or coercion. Respondent No.2 further stated that she has no objection in case the abovesaid FIR against the accused petitioner is quashed. Statement of the petitioner in respect to the settlement was recorded as well.

As per report dated 08.11.2017 received from the learned Chief Judicial Magistrate, Chandigarh, it is opined that the compromise between the parties is genuine and valid, arrived at out of the free will and consent of the parties without any fear or undue influence. The petitioner, who is the sole accused in this case, 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 against the petitioner.

Learned counsel for the Union Territory, Chandigarh has raised no serious objection to the quashing of the FIR in question as well as all consequential proceedings 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.216 dated 27.07.2017 under Sections 354/354A/354D/506/509 IPC registered at Police Station Sector 17, Chandigarh alongwith all consequential proceedings are, hereby, quashed.

(**LISA GILL**)
JUDGE

December 15 , 2017.
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No