

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

Criminal Misc. No.M- 32377 of 2017 (O&M)

Date of decision : October 23, 2017

Pawan Kumar alias Pawan Singh

.....Petitioner

Versus

State of Haryana and another

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Vikas Sonak, Advocate for
Mr. Deepak Sonak, Advocate
for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

Mr. Gaurav Gupta, Advocate
for respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.147 dated 05.12.2014 under Sections 366A, 511 IPC registered at Police Station Sector 19, Panchkula and all other consequential proceedings arising therefrom on the basis of a compromise arrived at between the parties.

It is submitted that the petitioner is suffering from delusional disorder. Reference is made to the report of the Medical Board (Annexure P-1). The matter has been amicably resolved between the petitioner and respondent No. 2. The terms and conditions of the settlement were reduced into writing on 14.08.2017 (Annexure P-3). The present petition has been filed on the basis of this compromise.

This Court on 04.09.2017 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 voluntarily, without any coercion or undue influence. Learned trial Court 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 04.09.2017, the parties appeared before the learned Judicial Magistrate First Class, Panchkula and their statements were recorded on 18.09.2017. Respondent No.2 stated that the matter has been amicably resolved between the parties as reflected in compromise dated 14.08.2017 (Annexure P-3). It is stated that the settlement has been arrived at with the petitioner through his father because the petitioner is a patient of delusional disorder. The settlement, it is further stated, is arrived at out of his own free will, without any coercion or undue pressure. Respondent No.2 stated that he has no objection to the quashing of the abovesaid FIR qua the petitioner. Statement of the petitioner through his father in respect to the compromise was also recorded.

As per report dated 18.09.2017 received from the learned Judicial Magistrate First Class, Panchkula, it is opined that the settlement between the parties is genuine, valid, arrived at out of free will of the parties, without any undue influence or pressure of any kind. 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 because the petitioner is suffering from delusional disorder. It is submitted that respondent No.2 is satisfied that the petitioner is suffering from delusional disorder as reflected in

certificate (Annexure P-1) issued by the Medical Officer 30 Wing/Air Force. It is further reiterated that he has no objection to the quashing of the abovementioned FIR against the petitioner.

Learned counsel for the State 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.147 dated 05.12.2014 under Sections 366A, 511 IPC registered at Police Station Sector 19, Panchkula alongwith all consequential proceedings are, hereby, quashed.

(Lisa Gill)
Judge

October 23, 2017

rts

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