

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

Criminal Misc. No. M- 33404 of 2017(O&M)

Date of Decision: November 21 , 2017.

Deepak and another PETITIONER(s)

Versus

State of Haryana and others RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Rahul Deswal, Advocate
for the petitioners.

Mr. Sanjay K.Saini, AAG, Haryana.

Mr. Naveen Thakur, Advocate
for respondents No.2 and 3.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.751 dated 29.07.2013 under Sections 323/354/506/34 IPC registered at Police Station City Karnal, District Karnal and all other consequential proceedings arising therefrom on the basis of compromise dated 01.08.2017 (Annexure P2) 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, which have now been removed with the intervention of respectables and common friends. The parties decided to bury the hatchet and wish to live in peace and harmony.

This Court on 11.09.2017 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 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 any of the petitioners are absconding/proclaimed offenders and whether any other case is pending against them. Information was sought as to whether all affected persons are a party to the settlement.

Pursuant to order dated 11.09.2017, the parties appeared before the learned Judicial Magistrate First Class, Karnal and their statements were recorded on 14.09.2017. Joint statement of respondents No.2 and 3 (respondent No.3 is the affected person/victim in this case) was recorded. It is stated by both of them that the matter has been amicably resolved with the intervention of respectables. The settlement, it is stated, has been arrived at out of their own free will, without any kind of fear, pressure or coercion. Both of them stated that they have no objection in case the abovesaid FIR against both the accused petitioners is quashed. Joint statement of the petitioners in respect to the settlement was recorded as well.

As per report dated 22.09.2017 received from the learned Judicial Magistrate First Class, Karnal, it is opined that the compromise between the parties is genuine, arrived at out of their free will without any pressure or undue influence. None of the petitioners are reported to be proclaimed offenders. Statements of the parties are appended alongwith the said report.

Learned counsel for respondents No.2 and 3 reaffirms 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 both the petitioners.

Learned counsel for the State, on instructions from ASI Jaipal, raises 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.751 dated 29.07.2013 under Sections 323/354/506/34 IPC registered at Police Station City Karnal, District Karnal alongwith all consequential proceedings are, hereby, quashed.

November 21 , 2017.
'om'

(**LISA GILL**)
JUDGE

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