

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

Criminal Misc. No. M- 34482 of 2017(O&M)

Date of Decision: November 21 , 2017.

Surjit Singh

..... PETITIONER(s)

Versus

State of Punjab and another

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Sanjeev Kumar, Advocate
for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

Mr. Munish Puri, Advocate
for respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.110 dated 17.11.2015 under Sections 354/294/341/506/509 IPC, registered at Police Station Kanwan, District Pathankot 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, which have been removed. The matter has been amicably resolved between the parties. They wish to live in peace and harmony. Respondent No.2, it is submitted, does not wish to pursue this matter any longer.

This Court on 15.09.2017 directed the parties to appear before learned trial court/Illaqa Magistrate for recording their statements in respect to the above-mentioned compromise. Learned trial court/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 trial court/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 15.09.2017, the parties appeared before the learned Chief Judicial Magistrate, Pathankot and their statements were recorded on 16.10.2017. Respondent No.2 stated that the matter has been amicably resolved by her with the intervention of respectables. The settlement between the parties, it is stated, has been arrived at out of her own free will without any kind of 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 21.10.2017 received from the learned Chief Judicial Magistrate, Pathankot, it is opined that the compromise between the parties is genuine and valid, arrived at out of their free will without any pressure, coercion or undue influence. 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. It is reiterated that respondent No.2 has

no objection to the quashing of the abovementioned FIR against the petitioner.

Learned counsel for the State, on instructions from ASI Hem Raj, 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. 110 dated 17.11.2015 under Sections 354/294/341/506/509 IPC, registered at Police Station Kanwan, District Pathankot alongwith all consequential proceedings are, hereby, quashed.

November 21 , 2017.
'om'

(**LISA GILL**)
JUDGE

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