

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

Criminal Misc. No. M- 37329 of 2017(O&M)

Date of Decision: December 12 , 2017.

Sanjay Vaid and another PETITIONER(s)

Versus

State of Punjab and another RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Ms. Isha Goyal, Advocate
for the petitioners.

Mr. Rahul Rathore, DAG, Punjab.

Mr. Kunwar Rajan, Advocate
for respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.138 dated 11.09.2014 under Sections 354A/506/34 IPC and Sections 66A/67A of the Information Technology Act, 2000, registered at Police Station Division No.4, District Ludhiana City 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. However with the intervention of respectables, the matter has been amicably resolved, the terms of which were reduced into writing on 13.09.2017 (Annexure P3). The parties wish to live in peace and harmony. Respondent No.2, it is submitted, no longer wishes to continue the proceedings and she holds no grudge against the petitioner.

This Court on 04.10.2017 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 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 04.10.2017, the parties appeared before the learned Judicial Magistrate First Class, Ludhiana and their statements were recorded on 26.10.2017. The complainant/respondent No.2 stated that the matter has been amicably resolved with both the accused petitioners out of her own free will without any fear, pressure or coercion. Respondent No.2 further stated that she has 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 26.10.2017 received from the learned Judicial Magistrate First Class, Ludhiana, satisfaction is expressed that the compromise between the parties is voluntary and genuine, arrived at out of the free will of the parties without any pressure or coercion. None of the petitioners are reported to be proclaimed offenders. 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 whatsoever to the quashing of the abovementioned FIR against both the petitioners.

Learned counsel for the State 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.138 dated 11.09.2014 under Sections 354A/506/34 IPC and Sections 66A/67A of the Information Technology Act, 2000, registered at Police Station Division No.4, District Ludhiana City alongwith all consequential proceedings are, hereby, quashed.

(**LISA GILL**)
JUDGE

December 12 , 2017.
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No