

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

CRM-M No. 38470 of 2016

Date of decision: 09.01.2017

Harwinder Singh @ Manga

..... Petitioner.

Versus

State of Haryana and another

..... Respondents.

CORAM: HON'BLE MS. JUSTICE LISA GILL

Present: Mr. Kuldeep Singh, Advocate,
for the petitioner.

Mr. Sanjay K. Saini, Assistant Advocate General, Haryana.

Mr. Amandeep Sibia, Advocate,
for respondent No.2.

LISA GILL, J.

Learned counsel for the State has filed reply by way of affidavit of Sh. Rajinder Kumar, Deputy Superintendent of Police, Jagadhri (Yamuna Nagar) on behalf of respondent No. 1. The same is taken on record subject to just exceptions.

This petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of FIR No.319 dated 30.05.2015 (Annexure P-1) registered under Sections 363,366-A and 120-B of the Indian Penal Code (for short 'IPC') at Police Station Jagadhri City, District Yamunanagar and all other subsequent proceedings arising therefrom on the basis of an amicable settlement (Annexure P-2) arrived at between the parties.

The parties have amicably settled their dispute, which was reduced into writing on 20.10.2016 (Annexure P-2). The above said FIR was registered on the basis of statement of respondent No.2- Mamta Dem wife of Sh. Om Parkash. It is submitted that the petitioner Harwinder Singh

@ Manga got married to Smt. Simran daughter of respondent No. 2 on

31.05.2015. Smt. Simran is cohabiting with the petitioner and the couple has been blessed with a child.

This Court on 26.10.2016 had directed the parties to appear before learned trial court on 27.10.2016 for getting their statements recorded in respect to the above-mentioned compromise. Learned trial court was directed to submit a report regarding the genuineness of the compromise. Learned trial court has also been directed to intimate whether the petitioner is a proclaimed offender and regarding any other case pending against him.

Pursuant to order dated 26.10.2016, the parties appeared before the learned trial court and their statements were recorded on 08.11.2016. Smt. Mamta (respondent No.2) has recorded that her daughter Simran has solemnized marriage with the petitioner. The couple has been blessed with a son aged about six months. The matter has been settled between the parties out of their own free will and she does not wish to continue any proceedings against the petitioner. Statement of Smt. Simran as well as the petitioner has also been recorded.

As per report dated 25.11.2016 of the learned Additional Sessions Judge, Yamuna Nagar at Jagadhri it is noted that the parties got their statements recorded without any pressure or coercion in any manner. The matter has been settled amicably and the compromise arrived at is genuine, entered into by the parties out of their own free will and volition. The petitioner is not a proclaimed offender. Copies of the statements of the parties have been appended along with the report.

Learned counsel for the complainant (respondent No.2) affirms the factum of settlement between the parties. It is stated that respondent No. 2

has no objection to the quashing of above mentioned FIR. The State in such a situation obviously has no objection to the quashing of this FIR.

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”.

In view of the above, it would be in the interest of justice to quash the abovesaid FIR as no useful purpose would be served by continuing the present proceedings. It will only lead to wastage of the precious time of the court and would be an exercise in futility.

This petition is, thus, allowed and FIR No.319 dated 30.05.2015 registered under Sections 363,366-A and 120-B IPC at Police Station Jagadhri City, District Yamunanagar alongwith all subsequent proceedings are, hereby, quashed.

(LISA GILL)
JUDGE

09.01.2017
PA

Whether speaking/reasoned : *Yes/No.*

Whether reportable : *Yes/No.*