

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

**CRM No. M-38518 of 2016
Date of decision: 01.03.2017**

Sukhdeep Singh @ Vicky and others

..... Petitioners.

Versus

State of Punjab and others

..... Respondents.

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. J.K. Singla, Advocate, for the petitioners.

Mr. K.D. Sachdeva, AAG, Punjab

Mr. Kashish Garg, Advocate, for
Mr. Manoj Pundir, Advocate,
for respondents No.2 to 6.

LISA GILL, J.

This petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of FIR No. 12 dated 29.01.2016 (**Annexure P-1**) registered under Sections 323, 324, 326, 452, 354, 427, 341, 379-B, 506, 34 of the Indian Penal Code (for short 'IPC') (Section 326 and 379-B added later) at Police Station Bhikhi, District Mansa and all other consequential proceedings arising therefrom on the basis of an amicable settlement (**Annexure P-2**) arrived at between the parties.

The above said FIR was registered on the statement of respondent No.2- Gagandeep Singh. It is submitted that both the parties except respondent No. 5- Malkit Singh are residents of the same village. None of the petitioners are proclaimed offenders.

A compromise has been arrived at between the parties with the intervention of respectables, elders and relatives. The parties wish to live in

peace and harmony and put an end to the acrimony between them. Present petition has been filed on the basis of this compromise.

This Court on 05.12.2016 directed the parties to appear before the learned Illaqa Magistrate/trial Court on 22.12.2016 for getting their statements recorded 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 Illaqa Magistrate/trial court was directed to intimate whether the petitioners are proclaimed offender and whether any other case is pending against them. Information was sought as to whether all affected persons are party to the settlement.

Pursuant to order dated 05.12.2016, the parties appeared before the learned Additional Sessions Judge, Mansa and their statements were recorded on 22.12.2016. Respondent No.2-Gagandeep Singh, the complainant in this case has stated that the dispute between the parties has been amicably resolved. The settlement has been arrived at out of his own free will and without any kind of pressure. Respondent No. 2 has stated that he has no objection if the above mentioned FIR is quashed qua all the petitioners. It is further stated by respondent No.2 that the accused-persons are his relatives by blood and the settlement has been arrived at to ensure cordial relations and harmony within the family. Respondent No. 4- Manjit Kaur, who was the injured/ victim in this case has stated that a settlement has been arrived at with all the accused-persons. The compromise has been effected out of her own free will, without any kind of pressure or influence. Respondent No. 4 has stated that she has no objection to the quashing of the aforementioned FIR qua all the petitioners.

Joint statement of respondents No. 3, 5 and 6 was recorded. It is stated by them that they are the eye witnesses in the case and the settlement has been arrived at between the parties out of their own free will, without any kind of pressure or undue influence. The compromise has been effected to maintain harmony and cordial relations within the family. They have no objection to the quashing of the above said FIR against all the petitioners. Joint statement of the petitioners in respect to the settlement has been recorded before the learned Additional Sessions Judge, Mansa.

As per report dated 04.01.2017, submitted by the learned Additional Sessions Judge, Mansa, satisfaction of the learned Court has been expressed regarding the genuineness and voluntary nature of the compromise, which is observed to have been arrived at out of the free will and volition of the parties, without any kind of coercion or undue influence. It is noted that none of the petitioners are proclaimed offenders in this case.

Learned counsel for respondents No.2 to 6 affirms and verifies the factum of settlement between the parties. It is stated that none of the respondents have any objection to the quashing of above said FIR qua the petitioners.

Learned counsel for the State on instructions from HC Satgur Singh, Police Station Bhikhi, District Mansa submits that in view of the settlement amongst the family members, there is 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 circumstance of this case, 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. 12 dated 29.01.2016 (**Annexure P-1**) registered under Sections 323, 324, 326, 452, 354, 427, 341, 379-B, 506, 34 of the IPC at Police Station Bhikhi, District Mansa alongwith all consequential proceedings arising therefrom are hereby quashed.

(LISA GILL)
JUDGE

01.03.2017

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Whether speaking/reasoned : *Yes/No.*

Whether reportable : *Yes/No.*