

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

**Criminal Misc. No. M-38742 of 2016
Date of Decision : January 10,2017**

Amarjit Singh @ Babby and others Petitioners

VERSUS

State of Punjab & others Respondents

CORAM : HON'BLE MRS. JUSTICE LISA GILL

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

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Present: Mr. L.S.Sidhu, Advocate
for the petitioners.

Mr. S.S.Gill, DAG, Punjab,
for the State/respondent No.1.

Mr. D.S.Sidhu, Advocate
for respondents No. 2 and 3.

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LISA GILL, J. (Oral)

1. Prayer in this petition is for quashing of FIR No.136 dated 05.10.2016 under Sections 363/366-A/120-B IPC registered at Police Station Kot Ise Khan, District Moga, as well as subsequent proceedings arising therefrom on the basis of an amicable settlement arrived at between the parties.

2. Learned counsel for the petitioners submits that petitioner

No.1-Amarjit Singh @ Babby and respondent No.3-Manpreet Kaur had got married on 3.10.2016 against the wishes of the parents of respondent No.3. The above said FIR was registered on the statement of respondent No.2 i.e. father of respondent No.3. Petitioner No.1 and respondent No.3 are residing together happily and peacefully. Parents of respondent No.3 have accepted their marriage and there is no dispute between the parties any longer.

3. It is submitted that pursuant to order dated 27.10.2016 passed by this Court the parties appeared before the learned Judicial Magistrate 1st Class, Moga, on 16.11.2016. Statement of respondent No.2-Chamkaur Singh as well as his wife-Balwinder Kaur was recorded to the effect that with the intervention of respectable persons a settlement has been arrived at with the petitioners. They have no objection if the above said FIR is quashed. Statements of the petitioners were also recorded.

4. As per the report dated 3.12.2016 submitted by the learned Judicial Magistrate 1st Class, Moga, it is noted that the compromise effected between the parties is genuine and voluntary. It has been arrived at out of the free will of the parties, without any fear or coercion. None of the accused/petitioners is a declared proclaimed offender and neither any such proceedings are pending against them.

5. Learned counsel for respondent No.2, affirms and verifies the factum of settlement arrived at between the parties. It is submitted that respondent No.3 is residing with petitioner No.1 and respondent No.2 has no objection whatsoever to the quashing of this FIR.

6. Learned counsel for the State, on instructions from Shri Sandeep Kumar, Head Constable, Police Station Kot Ise Khan, Moga, states that in view of the fact that petitioner No.1 and respondent No.3 are living

together, there can possibly be no objection in quashing the abovesaid FIR.

7. In *Kulwinder Singh and others v. 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.”

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

9. This petition is, thus, allowed and FIR No.136 dated 05.10.2016 under Sections 363/366-A/120-B IPC registered at Police Station Kot Ise Khan, District Moga, alongwith all consequential proceedings are, hereby, quashed.

10.1.2017
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(LISA GILL)
JUDGE

Note: Whether speaking/reasoned

Yes / No

Whether Reportable:

Yes / No