

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

CRM-M-38834 of 2017 (O&M)

Date of Decision:20.12.2017

Satgur Singh

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Raman Mohinder Sharma, Advocate
for the petitioners.

Mr. Sauraj Khurana, DAG, Punjab.

Mr. Deshpreet Singh, Advocate
for respondent no.2.

LISA GILL, J(Oral).

Prayer in this petition is for quashing of FIR No.78 dated 21.07.2017, under Sections 458, 354, 354-B IPC, registered at Police Station Chhajli, District Sangrur, along with all other consequential proceedings arising therefrom on the basis of compromise dated 07.10.2017 (Annexure P-2) arrived at between the parties.

It is submitted that the above-said FIR was registered against the petitioner due to some misunderstandings. The parties are neighbours and co-villagers. All misunderstandings have been removed with the intervention of respectables and elders. Therefore, it is prayed that this petition be allowed.

This Court on 13.10.2017 directed the parties to appear before the learned Illaqa Magistrate/trial court for recording of their

statements in respect to the above-mentioned compromise. Learned Illaqa Magistrate/trial court 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 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 13.10.2017, the parties appeared before the learned Sub-Divisional Judicial Magistrate, Sunam, and their statements were recorded on 07.11.2017. Respondent No.2 stated that the matter has been settled by her with the petitioner, who is the sole accused in this case out of her own free will, without any threat, coercion and undue influence or fear. Statement of the petitioner was recorded.

As per report dated 05.12.2017, received from the learned Sub-Divisional Judicial Magistrate, Sunam, satisfaction is expressed that the compromise between the parties is genuine, arrived at out of the free will of the parties, without any pressure or undue influence. Petitioner is not reported to be a proclaimed offender.

Learned counsel for respondent No.2 affirms and verifies the factum of settlement between the parties. It is reiterated that respondent No.2 has no objection to the quashing of the above-mentioned FIR against the petitioner in view of the settlement between the parties.

Learned counsel for the State has not raised any serious 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 circumstances of this case, it would be in the interest of justice to quash the above-said 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.78 dated 21.07.2017, under Sections 458, 354, 354-B IPC, registered at Police Station Chhajli, District Sangrur, along with all consequential proceedings are, hereby, quashed.

20.12.2017
s.khan

[LISA GILL]
Judge

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.