

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM No. M-40713-2016(O&M)

Date of decision: 20.03.2017

Varinder Singh @ Sonu and another

..... Petitioners.

Versus

State of Punjab and others

..... Respondents.

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. B.B.S. Randhawa, Advocate for the petitioners.

Mr. Rajpreet Singh Sidhu, AAG, Punjab

Mr. Anoop Singla, Advocate for
Ms. Mandeep Kaur, Advocate for
respondents No. 2 and 3.

LISA GILL, J.

This petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of FIR No. 35 dated 24.08.2013 (Annexure P-1) registered under Sections 452/323/354 and 34 of the Indian Penal Code (for short 'IPC') at Police Station Sekhwan, District Batala and all subsequent proceedings arising therefrom on the basis of an amicable settlement arrived at between the parties (Annexure P-4).

It is submitted that the above said FIR was registered at the behest of respondent No. 2 due to certain misunderstandings.

With the intervention of respectables, the matter has been amicably resolved between the parties, who wish to live in peace and harmony.

This Court on 16.11.2016 directed the parties to appear before the learned Illaqa Magistrate/trial Court on 30.01.2017 for recording their statements in respect to the above-mentioned compromise. Learned trial

Court/Illaq 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 Illaq Magistrate/trial Court was directed to intimate whether the petitioners are proclaimed offenders 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 16.11.2016, the petitioner and respondent No. 2 appeared before the learned Judicial Magistrate 1st Class, Batala and their statements were recorded on 19.12.2016. Respondent No.2-complainant has stated that the matter has been amicably resolved between the parties. The settlement has been arrived at out of his own free will and consent, without any kind of pressure. It is stated that respondent No. 2 has no objection in case the above mentioned FIR qua both the petitioners is quashed. An affidavit dated 04.03.2017 of respondent No. 3 i.e. the wife of respondent No. 2 is on record. It is mentioned therein that a settlement has been arrived at between the parties and she has no objection to the quashing of the aforesaid FIR against the petitioner.

As per report dated 04.01.2017, submitted by the learned Judicial Magistrate 1st Class, Batala, it is opined that the compromise arrived at between the parties is genuine and out of their free will without any pressure or coercion. It is further mentioned that no case is pending between the parties against each other.

Learned counsel for respondents No. 2 and 3 reiterates the factum of settlement between the parties. It is submitted that respondents No. 2 and 3 have no objection if the afore-mentioned FIR is quashed qua all

the persons involved.

Learned counsel for the State, on instructions from Head Constable Jaspal Singh, Police Station Sekhwan, District Batala submits that the State has no objection to the quashing of this FIR on the basis of a settlement 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”.

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 precious time of the court and would be an exercise in futility.

This petition is, thus, allowed and FIR No. 35 dated 24.08.2013 (Annexure P-1) registered under Sections 452/323/354 and 34 of the IPC at Police Station Sekhwan, District Batala and all subsequent proceedings arising therefrom are hereby quashed.

(LISA GILL)
JUDGE

20.03.2017

Divyanshi

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.