

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

CRM No. M-40893 of 2016

Date of decision: 22.03.2017

Daljit Singh Rinku @ Rinku Bedi and others **Petitioners.**

Versus

State of Punjab and another **Respondents.**

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Charanpreet Singh, Advocate, for the petitioners.

Mr. Rajpreet Singh Sidhu, AAG, Punjab.

Mr. Vinay Begra, Advocate, for respondent No.2.

LISA GILL, J.

This petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of FIR No. 134 dated 26.10.2016 (**Annexure P-1**) registered under Sections 452,323,354,380,341,148 and 149 of the Indian Penal Code (for short 'IPC') at Police Station Bhikhiwind, Tehsil Patti, District Tarn Taran and all other consequential proceedings arising therefrom on the basis of an amicable settlement (**Annexure P-2 and P-3**) arrived at between the parties.

The above said FIR was registered on the statement of respondent No.2- Smt. Manjit Kaur.

With the intervention of respectables, elders and relatives, the matter has been amicably resolved between the parties. The parties wish to live in peace and harmony and put an end to the acrimony between them. The terms and conditions of the settlement were reduced into writing on 31.10.2016.

This Court on 16.11.2016 directed the parties to appear before the learned Illaqa Magistrate/trial Court on 30.11.2016 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 and to intimate regarding pendency of any proclamation proceedings against the party.

Pursuant to order dated 16.11.2016, the parties appeared before the learned Judicial Magistrate 1st Class, Patti and their statements were recorded on 30.11.2016. Respondent No.2-Smt. Manjit Kaur has stated that the matter has been amicably resolved with all the three accused-petitioners. The settlement has been arrived at out of her own free will, without any kind of pressure, coercion, or undue influence. It is stated by respondent No. 2 that she has no objection, whatsoever, to the quashing of the aforementioned FIR qua all the accused-petitioners. Statements of all the petitioners in respect to the settlement were recorded as well.

As per report dated 12.01.2017, submitted by the learned Judicial Magistrate 1st Class, Patti it is opined that the compromise between the parties is genuine, voluntary, arrived at out of their own free will, without any coercion or undue influence. None of the petitioners are proclaimed offenders neither any such proceedings are pending against them.

An affidavit of Sh. Rajan Singh @ Raju husband of respondent No.2-Smt. Manjit Kaur, dated 14.03.2017 has been filed in Court today. The same is taken on record subject to just exceptions. It is stated therein that the matter has been amicably resolved between the parties. There is no objection to the quashing of the aforementioned FIR against all the three petitioners.

Learned counsel for the complainant/respondent No.2 affirms and verifies the factum of settlement between the parties. It is stated that respondent No. 2 has no objection, whatsoever, to the quashing of the above mentioned FIR qua all the three petitioners.

Learned counsel for the State on instructions from ASI Baldev Raj submits that the State has no objection to the quashing of the above said FIR on the basis of this compromise.

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 continuance of 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. 134 dated 26.10.2016 registered under Sections 452,323,354,380,341,148 and 149 of the IPC at Police Station Bhikhiwind, Tehsil Patti, District Tarn Taran alongwith all consequential proceedings arising therefrom are hereby quashed.

(LISA GILL)
JUDGE

22.03.2017
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Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.