

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

Crl. Misc. No. M- 41035 of 2016(O&M)

Date of Decision: March 3 , 2017.

Angrej Singh

..... PETITIONER(s)

Versus

State of Punjab and others

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. B.D.Sharma, Advocate
for the petitioner.

Mr. Arjinder Singh Sidhu, AAG, Punjab.

Mr. Arvind Kashyap, Advocate for
Mr. Kashmir Singh, Advocate
for respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.311 dated 27.11.2013 under Sections 452/354/427/323/324/506/34 IPC registered at Police Station Sultanwind, District Amritsar and all other consequential proceedings arising therefrom on the basis of a compromise arrived at between the parties.

The abovesaid FIR was registered at the behest of respondent No.2 against the petitioner – Angrej Singh and one Kuldeep Singh. However Kuldeep Singh, it is submitted, has passed away during the pendency of this case. It is submitted that the petitioner and respondent No.2 are related to each

other and the abovesaid FIR was registered due to certain misunderstandings between the parties. The matter has since been amicably resolved between the parties vide the abovementioned settlement. Respondent No.2 is major.

Due to the intervention of respectables and relatives, a compromise has been arrived at between the parties, the terms of which were reduced in writing on 21.07.2016. The parties wish to live in peace and harmony and put an end to the acrimony between them. The present petition has been filed on the basis of this compromise.

This Court on 07.12.2016 directed the parties to appear before learned trial court/Illaqa Magistrate on 15.12.2016 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. Learned trial court/Illaqa Magistrate was also directed to intimate whether any PO proceedings or any other case is pending against either of the parties.

Pursuant to order dated 07.12.2016, the parties appeared before the learned Judicial Magistrate First Class, Amritsar and their statements were recorded on 15.12.2016. Respondent No.2 i.e., the complainant made a statement to the effect that the matter has been amicably resolved with the petitioner. The settlement has been arrived at out of her own free will without any coercion, pressure or undue influence. It is stated that one of the accused Kuldeep Singh has died. Respondent No.2 has stated that she has no objection to the quashing of the abovesaid FIR qua the petitioner. Statement of the petitioner has also been recorded in respect to the settlement.

As per report dated 16.12.2016 received from the learned Judicial Magistrate First Class, Amritsar it is noted that the compromise between the parties is genuine and arrived at out of their free will. The petitioner is not a proclaimed offender. The statements of the parties have been appended alongwith the said report.

Learned counsel for respondent No.2 reaffirms and verifies the factum of settlement between the parties. It is reiterated that respondent No.2 has no objection to the quashing of the abovementioned FIR against all the petitioners.

Learned counsel for the State, on instructions from HC Kulwinder Singh, affirms the position as above and submits that the State has no objection to this compromise and consequent quashing of this FIR.

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 the futility.

This petition is, thus, allowed and FIR No.311 dated 27.11.2013

under Sections 452/354/427/323/324/506/34 IPC registered at Police Station Sultanwind, District Amritsar alongwith all consequential proceedings are, hereby, quashed.

March 3 , 2017.
'om'

(LISA GILL)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No