

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

**CRM No. M-41778 of 2016
Date of decision: 07.04.2017**

Amarjit Kaur and others

..... Petitioners.

Versus

State of Punjab and another

..... Respondents.

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Amit Dhawan, Advocate, for the petitioners.

Mr. Rajpreet Singh Sidhu, AAG, Punjab.

Mr. Abhimanyu Vinayak, 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. 152 dated 29.07.2016 registered under Sections 354,506,323,509 and 149 of the Indian Penal Code (for short 'IPC') at Police Station Nakodar, District Jalandhar and all other consequential proceedings arising therefrom on the basis of an amicable settlement (**Annexure P-2**) arrived at between the parties.

The above said FIR was registered on the statement of respondent No.2- Smt. Amanjit Kaur, raising certain allegations against the petitioners. It is submitted that the above mentioned FIR was registered due to certain misunderstandings, which developed between the parties.

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. Present petition has been filed on the basis of this compromise.

This Court on 23.02.2017 directed the parties to appear before the learned Illaqa Magistrate/trial Court on 07.03.2017 for recording their statements in respect to the above-mentioned compromise. Learned trial court/Illaqa 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 Illaqa Magistrate/trial court was directed to intimate whether the petitioners are proclaimed offenders and whether any other case is pending against them.

Pursuant to order dated 23.02.2017, the parties appeared before the learned Sub Divisional Judicial Magistrate, Nakodar and their statements were recorded on 07.03.2017. Respondent No.2-Smt. Amanjit Kaur, the complainant/victim/affected person in the above said case stated that she has compromised the matter with all the accused-petitioners. The settlement has been arrived at out of her own free will, without any pressure or coercion. Respondent No. 2 has stated that she does not wish to pursue the above said FIR against any of the petitioners and she has no objection in case it is quashed qua all of them. Joint statement of all the petitioners in respect to the settlement was recorded.

As per report dated 08.03.2017, submitted by the learned Sub Divisional Judicial Magistrate, Nakodar, it is opined that the compromise between the parties is genuine and voluntary. None of the petitioners are proclaimed offenders and neither are any such proceedings pending against them.

Learned counsel for respondent No.2 reaffirms 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 petitioners.

Learned counsel for the State on instructions from ASI Pargat Singh 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. 152 dated 29.07.2016 registered under Sections 354,506,323,509 and 149 of the Indian Penal Code (for short 'IPC') at Police Station Nakodar, District Jalandhar alongwith all consequential proceedings arising therefrom are hereby quashed qua the petitioners.

(LISA GILL)
JUDGE

07.04.2017
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Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.