

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

Crl. Misc. No. M- 42903 of 2016(O&M)

Date of Decision: March 3 , 2017.

Bhupinderjit Singh

..... PETITIONER(s)

Versus

State of Punjab and another

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Gagandeep Singh Simble, Advocate
for the petitioner.

Mr. A.S.Sidhu, AAG, Punjab.

Mr. J.S.Gill, Advocate for
Mr. Iqbal Singh Mann, Advocate
for respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.40 dated 03.09.2015 under Sections 354D/341 IPC registered at Police Station Kotli Surat Mali, Police District Batala District Gurdaspur and all other consequential proceedings arising therefrom on the basis of a compromise dated 29.08.2016 (Annexure P2) arrived at between the parties.

The abovesaid FIR has been registered at the behest of respondent No.2, who is major. With the intervention of respectables and relatives, a compromise has been arrived at between the parties, the terms of which were reduced in writing on 29.08.2016. 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 01.12.2016 directed the parties to appear before learned trial court/Illaqa Magistrate on 06.12.2016 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 01.12.2016, the parties appeared before the learned Judicial Magistrate First Class, Batala and their statements were recorded on 06.12.2016. Respondent No.2 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 and volition without any kind of pressure or coercion. Respondent No.2 has stated that she has no objection to the quashing of the abovesaid FIR qua the petitioner. Statement of the petitioner was recorded.

As per report dated 02.01.2017 received from the learned Judicial Magistrate First Class, Batala the compromise arrived at between the parties is opined to be genuine, arrived at out of their free will and is not a result of any kind of pressure or coercion. It is stated that the petitioner, who is the sole accused in this case, is not a proclaimed offender in this case. The statements of the parties have been appended alongwith the said report.

Learned counsel appearing 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 the petitioner.

Learned counsel for the State, on instructions from HC Baljinder Singh, affirms the position as above and submits that the State has no objection to the quashing of this FIR on the basis of compromise dated 29.08.2016 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 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.40 dated 03.09.2015 under Sections 354D/341 IPC registered at Police Station Kotli Surat Mali, Police District Batala District Gurdaspur alongwith all consequential proceedings are, hereby, quashed.

March 3, 2017.
'om'

(LISA GILL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No