

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

**CRM No. M-4246 of 2017
Date of decision: 17.05.2017**

Rajesh Kumar @ Prince @ Chotta Kala and others

..... Petitioner.

Versus

State of Punjab and others

..... Respondents.

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Arnav Kumar Sood, Advocate, for the petitioners.

Mr. K.D. Sachdeva, Addl.A.G., Punjab.

Mr. Abhinav Jain, 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. 1 dated 01.01.2016 registered under Sections 452,379,354,506,323,148 and 149 of the Indian Penal Code (for short 'IPC') at Police Station Focal Point, Ludhiana City, Punjab and all other consequential proceedings arising therefrom on the basis of an amicable settlement arrived at between the parties.

The above said FIR was registered on the statement of respondent No.2- Pawan Kumar due to certain misunderstandings between the parties.

With the intervention of respectables, relatives and friends the matter has been amicably resolved between the parties as is reflected from the compromise deed and affidavit of respondent No. 2, annexed with this petition as Annexures P- 2 and P-3, respectively. Respondent No. 3 is the affected person as she has received injuries in the occurrence. 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 23.03.2017 directed the parties to appear before the learned Area Magistrate on 12.04.2017 for recording their statements in respect to the above-mentioned compromise. Learned Area 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 fear, apprehension, undue influence or coercion. Learned Area Magistrate was directed to intimate whether the petitioners are proclaimed offenders and whether any other case is pending against them.

Pursuant to order dated 23.03.2017, the parties appeared before the learned Chief Judicial Magistrate, Ludhiana and their statements were recorded on 12.04.2017. Respondent No.2, the complainant- Pawan Kumar has stated that the matter has been amicably resolved between the parties. The settlement has been arrived at out of the free will, without any pressure, threat or coercion and he has no objection to the quashing of the aforementioned FIR against all the petitioners. Respondent No. 3- Kajal has made a similar statement in respect to the settlement between the parties. Respondent No. 3 has also expressed that she has no objection to the quashing of the FIR against all the accused-petitioners. It is submitted by learned counsel for respondent No. 2 that his mother Rajeshwari Devi and grandmother Shano Devi also have no objection to the quashing of the abovesaid FIR. Statements of the petitioners in respect to the settlement were also recorded.

As per report dated 10.05.2017, submitted by the learned Chief Judicial Magistrate, Ludhiana it is opined that the settlement between the parties is genuine, arrived at out of their free consent and in a voluntary manner. None of the petitioners are proclaimed offenders and neither are any such proceedings pending against them.

Learned counsel for respondents No. 2 and 3 reaffirms and reiterates the factum of settlement between the parties. It is stated that respondents No. 2 and 3 have no objection, whatsoever, to the quashing of the above mentioned FIR qua the petitioners.

Learned counsel for the State on instructions from ASI Gurcharan Singh, Police Station Focal Point, Ludhiana submits that the State has no objection to the quashing of this FIR on the basis of the settlement 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”.

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. FIR No. 01 dated 01.01.2016 registered under Sections 452,379,354,506,323,148 and 149 of the IPC at Police Station Focal Point, Ludhiana City, Punjab alongwith all consequential proceedings arising therefrom are hereby quashed qua the petitioners.

17.05.2017

PA

(LISA GILL)
JUDGE

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