

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

1. Criminal Misc. No.M- 43581 of 2016(O&M)
Date of Decision: November 17 , 2017.

Kewal Nagpal and another PETITIONER(s)

Versus

State of Punjab and others RESPONDENT (s)

2. Criminal Misc. No. M- 43535 of 2016(O&M).

Dr. Babita and another PETITIONER(s)

Versus

State of Punjab and another RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Ashok Kumar Sama, Advocate
for the petitioners (in CRM No.M-43581 of 2016)
for respondents No.2 to 4 (in CRM No.M-43535 of 2016).

Mr. Vikas Kumar, Advocate
for the petitioners (in CRM No.M-43535 of 2016)
for respondent No.2 (in CRM No.M-43581 of 2016).

Mr. Rahul Rathore, DAG, Punjab.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

LISA GILL, J.

This order shall dispose of Criminal Misc. No.M-43581 of 2016

(Kewal Nagpal and another v. State of Punjab and another) and Criminal Misc. No.M-43535 of 2016 (Dr. Babita and another v. State of Punjab and others). For the sake of convenience, the facts are being extracted from CRM No.M-43581 of 2016.

CRM No.M-43581 of 2016 has been filed by Kewal Nagpal and Vishal Kumar Nagpal for quashing of FIR No.118 dated 02.07.2016 under Sections 323/354/354B/506/325 and 34 of the Indian Penal Code (for short – 'IPC') registered at Police Station City Sri Muktsar Sahib, District Sri Muktsar Sahib alongwith all other consequential proceedings arising therefrom on the basis of a compromise arrived at between the parties. The said FIR has been registered at the instance of respondent No.2 – Dr. Babita i.e., petitioner No.1 in CRM No.M-43535 of 2016.

Prayer in CRM No.M-43535 of 2016 preferred by Dr. Babita and Savita Aggarwal is for quashing of cross-version registered vide DDR No.50 dated 06.07.2016 under Sections 451/427/506/34 IPC in the abovementioned FIR alongwith consequential proceedings arising therefrom on the basis of compromise arrived at between the parties. The said cross-version was recorded at the instance of respondent No.2 – Rajan Nagpal.

It is submitted that the matter has been amicably resolved between the parties with the intervention of respectables and other family members as reflected in the compromise attached as Annexure P2. It is submitted that none of the parties, who are residents of the same neighbourhood, wish to continue the proceedings against each other. They have decided to bury the hatchet and live in peace and harmony. All misunderstandings between the parties have

since been removed. It is thus prayed that both the abovesaid FIR as well as the cross-version be quashed.

This Court on 24.03.2017 directed the parties to appear before learned trial court/Illaqa Magistrate 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 voluntarily without any coercion or undue influence. Learned trial court/Illaqa Magistrate was also directed to intimate the number of persons arrayed as accused and whether any of the accused are proclaimed offenders.

Pursuant to order dated 24.03.2017, the parties appeared before the learned Chief Judicial Magistrate, Sri Muktsar Sahib. Statements of Savita Aggarwal as well as Dr. Babita (i.e., the person at whose instance the aforesaid FIR is registered) were recorded on 06.04.2017 to the effect that they have compromised the matter with the accused persons with the intervention of the respectables. The settlement, it is stated, has been arrived at out of their own free will without any coercion, fraud or misrepresentation. It is categorically stated that they have no objection in case the abovesaid FIR alongwith consequential proceedings against the accused petitioners, namely, Kewal Nagpal and Vishal Kumar Nagpal is quashed.

Similarly, statements of Kewal Nagpal and Vishal Kumar Nagpal as well as Rajan Nagpal i.e., the person at whose instance the cross-version in the aforementioned FIR is recorded, appeared before the learned trial court and their statements were also recorded on 06.04.2017. It is stated by all of them

that the matter has been resolved between the parties and the settlement has been arrived at out of their free will without any fraud, coercion or misrepresentation. It is stated that they have no objection in case the aforesaid cross-version i.e., DDR No.50 dated 06.07.2016 alongwith consequential proceedings against the accused petitioners Dr. Babita and Savita Aggarwal is quashed.

As per report dated 03.06.2017/07.04.2017 received from the learned Chief Judicial Magistrate, Sri Muktsar Sahib attached with the file of CRM No.M-43535 of 2016, it is opined that the settlement between the parties is genuine and voluntary, arrived at out of the free will of the parties without any threat, coercion or undue influence. It is further mentioned that there are two accused persons in the FIR, who are arrayed as petitioners in CRM No.M-43581 of 2016. Similarly, there are two accused persons in DDR No.50 dated 06.07.2016. They are the petitioners in CRM No.M-43535 of 2016. None of the petitioners in both the petitions are reported to be proclaimed offenders. Statements of the parties are appended alongwith the said report.

Learned counsel for the parties reiterated the factum of settlement between the parties. It is submitted the none of the parties wish to pursue either the FIR or the DDR against each other and they have no objection in case the abovementioned FIR and DDR alongwith all consequential proceedings are quashed.

Learned counsel for the State, on instructions from HC Jarnail Singh, has not raised any serious objection to the quashing of the FIR as well as the cross-version on the basis of a 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”.

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 continuance of the present proceedings. It will merely lead to wastage of precious time of the court and would be an exercise in futility.

Both the petitions are, thus, allowed. FIR No.118 dated 02.07.2016 under Sections 323/354/354B/506/325/34 IPC, registered at Police Station City Sri Muktsar Sahib, District Sri Muktsar Sahib as well as cross-version registered vide DDR No.50 dated 06.07.2016 under Sections 451/427/506/34 IPC in the aforesaid FIR alongwith all consequential proceedings are, hereby, quashed.

(LISA GILL)
JUDGE

November 17 , 2017.
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No