

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

CRM No. M-43943 of 2016

Date of decision: 01.05.2017

Baljeet Kaur and another **Petitioners.**

Versus

State of Punjab and others **Respondents.**

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. G.S. Brar, Advocate, for the petitioners.

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

Mr. Amandeep Rana, Advocate, for
Mr. Sandeep Verma, Advocate, for respondents No.2 to 4.

LISA GILL, J.

This petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of FIR No. 24 dated 01.04.2015 (**Annexure P-1**) registered under Sections 454,380,354-A and 120-B of the Indian Penal Code (for short 'IPC') at Police Station Gidderbaha, District Sri Muktsar Sahib, Punjab and all other consequential proceedings arising therefrom on the basis of an amicable settlement (**Annexure P-2**) arrived at between the parties.

It is submitted that the above said FIR was registered at the behest of respondent No. 2-Sh. Gurmeet Singh, who is none other than the husband of petitioner No.1, due to certain misunderstandings 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. The terms and conditions of the compromise were reduced into writing on 08.11.2016. The compromise is on record of this petition as Annexure P-2.

The present petition has been filed on the basis of this compromise.

Learned counsel for the petitioners submits that petitioner No. 1 and respondent No. 2 are now living together along with their children.

This Court on 08.12.2016 directed the parties to appear before the learned trial Court/Illaq Magistrate on 09.12.2016 for recording their statements in respect to the above-mentioned compromise. Learned trial Court/Illaq Magistrate was directed to submit a report regarding the genuineness of the compromise and to intimate regarding pendency of any proclamation proceedings against the party

Pursuant to order dated 08.12.2016, the parties appeared before the learned Sub Divisional Judicial Magistrate, Gidderbaha and their statements were recorded on 06.01.2017. Respondent No.2-Gurmeet Singh (complainant) and respondents No. 3& 4 (affected persons) have stated that the matter has been amicably resolved between the parties with the intervention of respectables and relatives. The settlement is genuine, arrived at out of their own free will, without any kind of pressure, threat or coercion. It is stated that they have no objection, whatsoever, to the quashing of the above mentioned FIR against both the accused persons. A joint statement of both the petitioners in respect to the settlement was also recorded.

As per report dated 13.01.2017, submitted by the learned Sub Divisional Judicial Magistrate, Gidderbaha it is opined that the compromise between the parties is genuine, arrived at out of their own free will, without any kind of pressure or coercion. The settlement has been arrived at to maintain peace and harmony as well as to avoid any future conflict/enmity between the parties. The petitioners are the two accused in this case and they are not proclaimed offenders.

Learned counsel for respondents No.2 to 4 affirms and verifies the factum of settlement between the parties. It is affirmed that petitioner No. 1 and respondent No. 2 are now cohabiting together with their children.

Learned counsel for the State on instructions from ASI Bagga Singh submits that the State has no objection to the quashing of this FIR on the basis of the settlement 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. 24 dated 01.04.2015 registered under Sections 454,380,354-A and 120-B of the IPC at Police Station Gidderbaha, District Sri Muktsar Sahib, Punjab alongwith all consequential proceedings arising therefrom are hereby quashed qua the petitioners.

01.05.2017

PA

(LISA GILL)
JUDGE

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