

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

**CRM No. M-44326 of 2016
Date of decision: 02.03.2017**

Vijay Kumar and others

..... Petitioners.

Versus

State of Punjab and others

..... Respondents.

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Surinder Sharma, Advocate, for the petitioners.

Mr. K.D. Sachdeva, AAG, Punjab

Mr. Naveen Sharma. 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. 20 dated 07.02.2015 (**Annexure P-1**) registered under Sections 452,354,506,509,120-B,34 of the Indian Penal Code (for short 'IPC') at Police Station Division No.8, Jalandhar 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 at the behest of respondent No.2- Sh. Balvir Singh.

It is submitted that the said FIR was registered due to some misunderstanding between the parties. However, with the intervention of respectables, elders and relatives, a compromise has been arrived at 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 12.12.2016 directed the parties to appear before the learned Illaqa Magistrate/trial Court on 20.12.2016 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, 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 the number of persons arrayed as accused and whether the petitioner is a proclaimed offender.

Pursuant to order dated 12.12.2016, the parties appeared before the learned Judicial Magistrate 1st Class, Jalandhar and their statements were recorded on 20.12.2016. Respondent No.2- Sh. Balvir Singh, the complainant in this case has stated that the matter has been amicably resolved between the parties. The compromise has been effected out of his own free will and volition and without any kind of pressure or coercion. Respondent No.3- Smt. Seema, the victim/affected person in this case has also stated that the settlement between the parties has been arrived at voluntarily without any pressure or coercion. Statements of all the three petitioners in respect to the settlement has also been recorded.

As per report dated 11.01.2017, submitted by the learned Judicial Magistrate 1st Class, Jalandhar, it is submitted that the settlement between the parties has been arrived at voluntarily without any pressure or coercion. It is noted that as per the report from SHO Police Station Division No.8, Jalandhar, none of the petitioners are proclaimed offenders.

Learned counsel for respondents No.2 and 3 affirms and verifies the factum of settlement between the parties. It is informed that respondent No. 3 is since happily married and residing at her matrimonial home. It is stated

that respondents No. 2 and 3 have no objection to the quashing of the above said FIR qua the petitioners.

Learned counsel for the State on instructions from HC Satnam Singh, Police Station Division No. 8, Jalandhar 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 continuing the present proceedings. It will only lead to wastage of the precious time of the court and would be an exercise in futility.

This petition is, thus, allowed and FIR No. 20 dated 07.02.2015 (**Annexure P-1**) registered under Sections 452,354,506,509,120-B,34 of the IPC at Police Station Division No.8, Jalandhar alongwith all consequential proceedings arising therefrom are hereby quashed.

(LISA GILL)
JUDGE

02.03.2017
PA

Whether speaking/reasoned : *Yes/No.*

Whether reportable : *Yes/No.*