

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

(1)

**Crl. Misc. No. M-45962 of 2016
Date of Decision : March 23, 2017**

Gurjant Singh and others Petitioners

VERSUS

State of Punjab and another Respondents

(2)

Crl. Misc. No. M-40006 of 2016

Sandeep Singh and others Petitioners

VERSUS

State of Punjab and others Respondents

CORAM : HON'BLE MRS. JUSTICE LISA GILL

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?
- ...

Present: Mr. Abhishek Singla, Advocate
for the petitioners.in CRM-M-45962-2016
and for respondents No.2 and 3 in CRM-M-40006-2016.

Mr. Achin Gupta, Advocate
for the petitioners in CRM-M-40006-2016
and for respondent No.2 in CRM-M-45962-2016.

Mr. K.D. Sachdeva, AAG, Punjab
for the State/respondent No.1.

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LISA GILL, J. (Oral)

1. This order shall dispose of CRM-M-45962-16 titled as “Gurjant

2016 titled as “Sandeep Singh and others v. State of Punjab and others”.

2. Prayer in CRM-M-45962-2016 is for quashing of FIR No. 240 dated 8.11.2014 under Sections 382/323/341/148/149/120-B IPC registered at Police Station City Kotkapura, District Faridkot, as well as subsequent proceedings arising therefrom on the basis of a compromise dated 4.11.2016 (Annexure P2). Respondent No.2-Dayapreet Singh is the complainant in this case. The said FIR was registered on his statement.

3. Prayer in CRM-M-40006-2016 is for quashing of the cross version-DDR No. 22 dated 9.11.2014 under Sections 498-A, 323, 324, 341, 148, 149 IPC (later on Sections 323, 148, 149 IPC were deleted and Sections 326, 34 IPC were added) in FIR No. 240 dated 8.11.2014 under Sections 382, 323, 341, 148, 149, 120-B IPC registered at Police Station City Kotkapura, District Faridkot as well as subsequent proceedings arising therefrom on the basis of a compromise dated 4.11.2016 (Annexure P3). The cross version was registered on the basis of the statement of Mandeep Kaur, respondent No.2.

4. Learned counsel for the petitioners in CRM-M-45962-16 submits that the petition has been rendered infructuous qua petitioner No.2-Amandeep Singh as he was not proceeded against. Ordered accordingly.

5. Learned counsel for the parties submit that the above said FIR as well as the cross version arise out of the matrimonial discord between Mandeep Kaur (respondent No.2 in CRM-M-40006-2016) and Sandeep Singh (petitioner No.1 in CRM-M-40006-2016). With the intervention of respectables the matter has been amicably settled between the parties. The terms and conditions of the settlement were reduced into writing on 4.11.2016 (Annexure P2 in CRM-M-45962-16 and Annexure P3 in CRM-

M-40006-2016). It is submitted that none of the parties wish to pursue the matter against each other as they want to live in peace and harmony by putting an end to all the litigation between them.

6. In CRM-M-40006-16 the petitioners therein appeared before the learned Judicial Magistrate 1st Class, Faridkot, on 22.12.2016. Their statements were recorded on 22.12.2016. The complainant/affected persons in the said case namely Mandeep Kaur, respondent No.2, and Kuldeep Kaur, respondent No.3, appeared on 3.1.2017. They have clearly stated that a settlement has been arrived at between the parties. The settlement is voluntary, out of their own free will, without any coercion or fraud. There is no objection if the cross version i.e. DDR No. 22 dated 9.11.2014 is quashed against the petitioners/accused persons.

7. As per report dated 6.1.2017 submitted by the learned Judicial Magistrate 1st Class, Faridkot, it is opined that the compromise between the parties is arrived at out of their own free will, without any inducement, threat, promise, coercion or undue influence from any quarter. It is arrived at to eliminate bitterness and acrimony between the parties. None of the parties are proclaimed offenders neither any such proceedings are pending against them. Photocopies of the statements are attached along with the report.

8. Pursuant to order dated 31.1.2017 passed by this Court in CRM-M-45962-2016 the complainant Dayapreet Singh, respondent No.2 and the injured/affected person Harjinder Kaur appeared before the learned Judicial Magistrate 1st Class, Faridkot on 25.1.2017. The complainant Dayapreet Singh, respondent No.2 in the said petition has stated that the matter has been amicably resolved with all the accused/petitioners with the

intervention of Panchayat and respectables. It is submitted that settlement has been arrived at for the welfare of both the parties. Settlement has been arrived at out of his own free will, without any pressure or coercion or fraud. Dayapreet Singh (respondent No.2 in CRM-M-45962-16) has stated that he has no objection to the quashing of the above said FIR against all the accused/petitioners. The affected/injured in FIR No. 240 dated 8.11.2014 namely Harjinder Kaur has also stated before the learned Judicial Magistrate 1st Class, Faridkot, in respect to the settlement between the parties. She has reiterated that the settlement has been arrived at out of the free will of the parties and she has no objection to the quashing of the above said FIR. A joint statement of the petitioners Gurjant Singh, Kuldeep Kaur and Mandeep Kaur was recorded on 20.2.2017 and the statement of the petitioner Amandeep Singh in respect to the settlement was recorded on 22.2.2017.

9. As per report dated 23.2.2017 submitted by the learned Judicial Magistrate 1st Class, Faridkot, it is opined that the settlement between the parties is genuine. It has been arrived at voluntarily out of their own free will, without any inducement, pressure or coercion from any quarter. It is mentioned that the final report under Section 173 Cr.P.C. was filed only qua the petitioners Gurjant Singh, Kuldeep Kaur and Mandeep Kaur. The petitioner Amandeep Singh was declared innocent by the police. Both the complainant and affected persons have recorded their statements. None of the parties are proclaimed offenders neither any such proceedings are pending against them. Photocopies of the statements are attached along with the report.

10. Learned counsel for the parties in both the above-said cases affirm and verify the factum of settlement arrived at between the parties.

They state that none of the parties have any objection whatsoever to the quashing of this FIR as well as the cross version. They do not wish to pursue any proceedings arising from this FIR or cross version against the accused/petitioners as they wish to live in peace and harmony having put an end to the acrimony between them.

11. Learned counsel for the State, on instructions from HC Iqbal Singh, Police Station City Kotkapura, verifies the factual position as above. He submits that the State does not have any objection to the quashing of the FIR as well as the cross version on the basis of a settlement between the parties.

12. In ***Kulwinder Singh and others v. 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.”

13. In view of the above, it would be in the interest of justice to quash the above said FIR as well as the cross version 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 futility.

14. Both the above said petitions are, thus, allowed and FIR No. 240 dated 8.11.2014 under Sections 382/323/341/148/149/120-B IPC as well as DDR No. 22 dated 9.11.2014 under Sections 498-A, 323, 324, 341,

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[6]

148, 149 IPC (later on Sections 323, 148, 149 IPC were deleted and Sections 326, 34 IPC were added) registered at Police Station City Kotkapura, District Faridkot, along with all consequential proceedings are, hereby, quashed.

23.3.2017
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(LISA GILL)
JUDGE

Note: Whether speaking/reasoned

Yes / No

Whether Reportable:

Yes / No