

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

Criminal Misc. M- No. 455 of 2017 (O&M)

Date of decision : May 22, 2017

Kunal Manipal

.....Petitioner

Versus

State of Punjab and another

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Rajesh Gupta, Advocate
for the petitioner.

Mr. K.D. Sachdeva, Additional AG, Punjab.

Mr. Bikram Singh, Advocate for
Mr. Gulzar Mohd. Advocate
for respondent No. 2.

LISA GILL, J.

This petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of FIR No. 166 dated 24.08.2016 (**Annexure P-1**) registered under Sections 354, 323, 341, 365, 511 of the Indian Penal Code (for short 'IPC') at Police Station Model Town, District Ludhiana and all other consequential proceedings arising therefrom.

The above said FIR it is submitted was registered at the behest of respondent No. 2 due to certain misunderstandings between the parties. However, with the intervention of respectables, elders and relatives, the said misunderstandings have since been amicably resolved and the matter has been settled as reflected in the settlement dated 05.11.2016 (**Annexure P-2**).

Respondent No. 2 no longer wishes to continue with the proceedings. The

parties wish to live in peace and harmony and put an end to the acrimony between them.

This Court on 14.03.2017 directed the parties to appear before the learned Illaqa Magistrate/trial Court 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 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 whether the petitioners are proclaimed offenders and whether any other case is pending against them. Information was sought as to whether all affected persons are party to the settlement.

Pursuant to order dated 14.03.2016, the parties appeared before the learned Judicial Magistrate 1st Class, Ludhiana and their statements were recorded on 19.04.2017. Respondent No.2 – Smt. Ramandeep Kaur stated that she is the complainant and the sole affected person in this case. There is no eye witness. The matter it is stated has been amicably resolved by her with the accused petitioner. The settlement is stated by her to be genuine, voluntary and arrived at without any threat, coercion or undue pressure. Respondent No. 2 stated that she has no objection if the above said FIR against the petitioner is quashed. Statement of the the petitioner in respect to the settlement was recorded.

As per report dated 04.05.2017, submitted by the learned Judicial Magistrate 1st Class, Ludhiana, it is opined that the compromise between the parties is genuine, voluntary and has been arrived without any coercion or undue influence.

Learned counsel for the complainant/respondent No.2 affirms and verifies the factum of settlement between the parties. It is stated that there is no impediment to the quashing of the above mentioned FIR and respondent No. 2 has no objection, whatsoever, to the quashing of the above mentioned FIR qua the petitioner.

Learned counsel for the State does not raise any serious objection to the quashing of this FIR in view 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. 166 dated 24.08.2016 registered under Sections 354, 323, 341, 365, 511 of IPC at Police Station Model Town, District Ludhiana alongwith all consequential proceedings arising therefrom are hereby quashed.

(Lisa Gill)
Judge

May 22, 2017
rts

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