

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

Criminal Misc. No. M- 46548 of 2016(O&M)

Date of Decision: August 3 , 2017.

Major Singh and another PETITIONER(s)

Versus

State of Punjab and others RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Raj Kumar Gupta, Advocate
for the petitioners.

Mr. Karambir Singh, AAG, Punjab.

Ms. Manpreet Kaur, Advocate for
Mr. Robin Bansal, Advocate
for respondents No.2 and 3.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.154 dated 08.08.2016 under Sections 452/323/354/34 IPC registered at Police Station Samrala District Khanna and all other consequential proceedings arising therefrom on the basis of a compromise arrived at between the parties.

It is submitted that the parties belong to the same village and the abovesaid FIR was registered at the behest of respondent No.2 on account of certain misunderstandings between the parties. With the intervention of respectables of the village, the matter has been settled between the parties, the terms of which were reduced into writing on 21.11.2016 (Annexure P2). The parties wish to live in peace and harmony and put an end to the acrimony

between them.

This Court on 05.05.2017 directed the parties to appear before learned Illaqa Magistrate for recording their statements in respect to the above-mentioned compromise. Learned 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 or undue influence. Learned 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 05.05.2017, the parties appeared before the learned Sub Divisional Judicial Magistrate, Samrala and their statements were recorded on 17.05.2017. The complainant Baljinder Singh, respondent No.2 stated that the matter has been amicably resolved with both the accused petitioners with the intervention of members of the village. He does not wish to pursue the matter any further. Respondent No.2 stated that he has no objection in case the abovesaid FIR is quashed qua both the petitioners. Respondent No.3, the affected person in this case, has also suffered a statement to the same effect. Joint statement of the petitioners in respect to the settlement was recorded as well.

As per report dated 23.05.2017 received from the learned Sub Divisional Judicial Magistrate, Samrala, it is opined that the compromise between the parties is genuine and valid. None of the petitioners are reported to be proclaimed offenders. Copies of the statements of the parties are appended alongwith the said report.

Learned counsel for respondents No.2 and 3 reaffirms and verifies

the factum of settlement between the parties. It is reiterated that respondents No.2 and 3 have no objection to the quashing of the abovementioned FIR against all the petitioners.

Learned counsel for the State, on instructions from HC Naib Singh, has no serious objection to the quashing of this FIR 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.

This petition is, thus, allowed and FIR No.154 dated 08.08.2016 under Sections 452/323/354/34 IPC registered at Police Station Samrala District Khanna alongwith all consequential proceedings are, hereby, quashed.

August 3, 2017.
'om'

(**LISA GILL**)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No