

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

**CRM No. M-4569 of 2017
Date of decision: 27.04.2017**

Abdul Rehman and others

..... Petitioners.

Versus

State of Punjab and another

..... Respondents.

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mohd. Salim, Advocate, for the petitioners.

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

None 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. 24 dated 21.04.2015 (**Annexure P-1**) registered under Sections 325,323,354,506,34 of the Indian Penal Code (for short 'IPC') at Police Station Jodhan, District Ludhiana and all other consequential proceedings arising therefrom on the basis of an amicable settlement (**Annexure P-2**) arrived at between the parties.

Learned counsel for the State on instructions from ASI Rajinder Singh, Police Station Jodhan, District Ludhiana submits that the offence punishable under Section 201 of the IPC has been added subsequently in the present FIR on 20.06.2016.

On oral request of learned counsel for the petitioners, Section 201 of the IPC is ordered to be inserted in the head note as well as in the prayer clause of the petition.

Necessary corrections be carried out in the prayer clause as well as in the head note of the petition by the Registry.

The above said FIR was registered at the behest of respondent No. 2-Mohammad Sadiq, who is none other than the son of petitioner No.1. It is submitted that the above said FIR was registered on account of certain misunderstandings between the parties, who are related to each other.

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. Present petition has been filed on the basis of this compromise. The compromise is on record of this petition as Annexure P-2.

This Court on 21.02.2017 directed the parties to appear before the learned Area Magistrate/trial Court on 01.03.2017 for recording their statements in respect to the above-mentioned compromise. Learned trial court/Area 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 threat, coercion or undue influence. Learned Area Magistrate/trial court was directed to intimate whether the petitioners are proclaimed offenders and whether any other case is pending against them.

Pursuant to order dated 21.02.2017, the parties appeared before the learned Judicial Magistrate 1st Class, Ludhiana and their statements were recorded on 02.03.2017. Respondent No.2- Mohammad Sadiq stated that the matter has been amicably resolved. The settlement has been arrived at voluntarily, without any kind of pressure or threat. It is stated by him that there is no objection to the quashing of the aforementioned FIR against the

petitioners. The affected persons namely, Fatima wife of Abdul Rehman and Zalekha daughter of Abdul Rehman also appeared before the learned Judicial Magistrate 1st Class, Ludhiana. Both of them have stated that the matter has been amicably resolved. It is stated by them that the settlement is genuine, arrived at out of their own free will, without any pressure or threat. They have no objection to the quashing of the aforementioned FIR against the petitioners. Statements of petitioners in respect to the settlement were also recorded.

As per report dated 09.03.2017, submitted by the learned Judicial Magistrate 1st Class, Ludhiana, it is opined that the settlement between the parties is genuine, arrived at out of their own free will, without any kind of pressure or influence. Petitioners No. 1 and 2 had earlier been declared to be proclaimed offenders but they were admitted to bail after their arrest.

Mr. Puneet Palli, Advocate had appeared on behalf of respondent No. 2 on 21.02.2017. He had affirmed and verified the factum of settlement between the parties. It was affirmed that respondent No.2 is the son of petitioner No. 1. Petitioner No. 2 is the said respondent's uncle and petitioner No. 3 is the cousin brother of respondent No.2.

Learned counsel for the State on instructions from ASI Rajinder Singh, Police Station Jodhan, District Ludhiana 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 21.04.2015 registered under Sections 201,325,323,354,506,34 of the IPC at Police Station Jodhan, District Ludhiana alongwith all consequential proceedings arising therefrom are hereby quashed qua the petitioners.

(LISA GILL)
JUDGE

27.04.2017

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Whether speaking/reasoned : *Yes/No.*

Whether reportable : *Yes/No.*