

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

**CRM No. M-5027 of 2017
Date of decision: 01.05.2017**

Ramesh Kumar and others **Petitioners.**
Versus

State of Haryana and another **Respondents.**

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. P.S. Ahluwalia, Advocate, for the petitioners.

Mr. Sanjay K. Saini, AAG, Haryana.

Mr. Kawaljyot Singh, 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. 76 dated 16.11.2016 (**Annexure P-1**) registered under Sections 323 and 506 of the Indian Penal Code (for short 'IPC') and Section 10 of the Protection of Children from Sexual Offences Act, 2012 at Police Station Women, District Panchkula and all other consequential proceedings.

The above said FIR was registered on a complaint submitted by respondent No. 2. Learned counsel for the petitioners submits that on an inquiry conducted by the Assistant Commissioner of Police, Panchkula, it was found that the present was not a matter of eve-teasing but a quarrel/fight between the parties. Furthermore, the matter has been amicably resolved between the parties on 19.01.2017. It is mentioned in the short reply by way of affidavit dated 04.03.2017 of Sh. Munish Sehgal, HPS, Assistant Commissioner of Police (Traffic) Panchkula that the complainant has suffered a statement to the effect that she does not wish to pursue the matter any further against the accused persons.

This Court on 07.03.2017 directed the parties to appear before the learned trial Court on 16.03.2017 for recording their statements in respect to the above-mentioned compromise. Learned trial court 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 pressure. Learned 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 07.03.2017, the parties appeared before the learned Additional Sessions Judge, Panchkula and their statements were recorded on 16.03.2017. Respondent No.2, represented through her father stated that the matter has been amicably resolved between the parties. The settlement has been arrived at out of her own free will, consent, without any kind of pressure or coercion. It is stated that there is no objection to the quashing of the above mentioned FIR against all the accused petitioners. A joint statement of all the petitioners in respect to the settlement was also recorded.

As per report dated 24.04.2017, submitted by the learned Additional Sessions Judge, Panchklula, it is opined that the settlement between the parties is genuine, voluntary, arrived at without any threat, coercion or undue pressure. There are seven accused in this case and all of them are arrayed as petitioners. They are not proclaimed offenders and neither are they involved in any other case.

Learned counsel for respondent No.2 reaffirms and verifies the factum of settlement between the parties. It is stated that respondent No. 2 has

no objection, whatsoever, to the quashing of the above mentioned FIR qua the petitioners.

Learned counsel for the State on instructions from SI Sunita Punia, Police Station Women, Panchkula 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. The chances of conviction of the accused are bleak in view of the stand taken by the complainant side.

This petition is, thus, allowed and FIR No. 76 dated 16.11.2016 registered under Sections 323 and 506 of the IPC and Section 10 of the Protection of Children from Sexual Offences Act, 2012 at Police Station Women, District Panchkula alongwith all consequential proceedings arising therefrom are hereby quashed qua the petitioners.

01.05.2017
PA

(LISA GILL)
JUDGE

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