

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

1. **CRM No. M-5330 of 2017 (O&M)**
Date of decision: 26.05.2017

Bahadur Singh and others **..... Petitioners.**
Versus

State of Punjab and another **..... Respondents.**

2. **CRM No. M-5325 of 2017 (O&M)**
Date of decision: 26.05.2017

Davinder Singh @ Mintu **..... Petitioner.**
Versus

State of Punjab and others **..... Respondents.**

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Govind Chauhan, Advocate,
for the petitioners in CRM-M-5330-2017 and
for respondent No. 2 and 3 in CRM-M-5325 of 2017.

Mr. Kulwant Singh, Advocate,
for the petitioner in CRM-M- 5325-2017 and
for respondent No. 2 in CRM No. M-5330 of 2017.

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

LISA GILL, J.

This order shall dispose of Criminal Miscellaneous No. M-5330 of 2017 filed for quashing of FIR No. 105 dated 03.06.2010, registered under Sections 325,323,34 of the IPC at Police Station Raikot, District Ludhiana (Rural) as well as Criminal Miscellaneous No. M-5325 of 2017 filed for quashing of cross-version i.e Report No. 13 dated 03.06.2010 registered under Sections 452,354 of the IPC at Police Station Raikot, District Ludhiana (Rural).

It is submitted that the parties are well known to each other and the proceedings were initiated due to misunderstanding. The parties no longer wish to proceed against each other. FIR No. 105 dated 03.06.2010

was registered on the statement of respondent No. 2- Davinder Singh. The cross-version i.e. Report No. 13 dated 03.06.2010 was recorded on the basis of an application submitted by Bahadur Singh- respondent No. 2 in Criminal Miscellaneous No. M-5325 of 2017.

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. The terms and conditions of the settlement were reduced into writing on 18.01.2017. The present petitions have been filed on the basis of this compromise. The compromise is attached as Annexure P-3 with both the petitions.

This Court on 27.03.2017 directed the parties in both the cases to appear before the learned trial Court/Illaqa Magistrate on 12.04.2017 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. Learned trial court/Illaqa Magistrate was directed to intimate whether the petitioners are proclaimed offenders and whether any other case is pending against him.

Pursuant to order dated 27.03.2017, the parties appeared before the learned Judicial Magistrate 1st Class, Jagraon and their statements were recorded on 12.04.2017. Respondent No.2- Davinder Singh (in CRM-M-5330 of 2017) stated that the matter has been amicably resolved between the parties. The settlement has been arrived at out of his own free will, without any pressure from any corner. Respondent No. 2 stated that he has no objection to the quashing of the FIR against all the petitioners. A joint statement of all the petitioners in respect to the settlement was recorded.

Respondent No. 2 namely, Bahadur Singh (in CRM-M-5325 of 2017) stated in respect to the cross-version that the matter has been amicably resolved between the parties. The settlement, it is stated has been arrived at voluntarily without any pressure. Statement of respondent No. 3 in the said case namely, Karamjit Kaur was also recorded by the learned Judicial Magistrate 1st Class, Jagraon. Respondent No. 3- Karamjit Kaur stated that the settlement between the parties has been arrived at voluntarily. Both Bahadur Singh and Karamjit Kaur stated that they have no objection to the quashing of the cross-version against the petitioner. Statement of Davinder Singh @ Mintu i.e. the petitioner in CRM-M-5325 of 2017 was recorded in respect to the settlement as well.

Separate reports, dated 19.04.2017, have been submitted by the learned Judicial Magistrate 1st Class, Jagraon in both the above said cases. It is mentioned in the said reports that the settlement between the parties is genuine, arrived at voluntarily without any pressure or coercion from any quarter. None of the accused persons are proclaimed offenders and neither are any such proceedings pending against them.

Learned counsel for the parties reaffirm and verify the factum of settlement arrived at between the parties and submit that neither of them wish to proceed against the other in any manner. There is no objection by any of the parties to the quashing of the aforesaid FIR as well as the cross-version.

Learned counsel for the State on instructions from ASI Duha Singh, Police Station Sadar submits that the State has no objection to the quashing of the aforesaid FIR as well as cross-version 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”.

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.

Criminal Miscellaneous Nos. M-5330 of 2017 and M-5325 of 2017 are thus, allowed. FIR No. 105 dated 03.06.2010 registered under Sections 325,323,34 of the IPC at Police Station Raikot, District Ludhiana (Rural) as well as cross-version i.e Report No. 13 dated 03.06.2010 registered under Sections 452,354 of the IPC at Police Station Raikot, District Ludhiana (Rural) alongwith all consequential proceedings arising therefrom are hereby quashed.

(LISA GILL)
JUDGE

26.05.2017
PA

Whether speaking/reasoned : *Yes/No.*

Whether reportable : *Yes/No.*