

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

**CRM No. M-9404 of 2016
Date of decision: 10.01.2017**

Pardeep Kumar

..... Petitioner.

Versus

State of Punjab and another

..... Respondents.

CORAM: HON'BLE MS. JUSTICE LISA GILL

Present: Ms. Chetna Kapil, Advocate for the petitioner.

Mr. Sultan Singh Gill, DAG, Punjab.

Mr. Jasjeet Singh Virk, 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. 63 dated 22.03.2014 (Annexure P-1) registered under Sections 323,354-A of the Indian Penal Code (for short 'IPC') at Police Station Phase I, Mohali and all other consequential proceedings arising therefrom on the basis of an amicable settlement (Annexure P-2) arrived at between the parties.

The above said FIR has been registered on the statement of Praveen Bala-respondent No. 2 against the petitioner. The petitioner is the brother-in-law of respondent No.2.

Due to the intervention of respectables, family members, a settlement has been arrived at between the parties, a copy of which is annexed as Annexure P-2. 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.

This Court on 08.11.2016 had directed the parties to appear before learned Illaqa Magistrate/trial court on 09.12.2016 for getting their statements recorded in respect to the above-mentioned compromise.

Learned Illaqa Magistrate/ 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 coercion, fear or undue influence. Learned trial court has also been directed to intimate whether the petitioner is a proclaimed offender and whether any other case is pending against him. Information was also sought as to whether all affected persons are a party to the settlement.

Pursuant to order dated 08.11.2016, the parties appeared before the learned Chief Judicial Magistrate, SAS Nagar, Mohali and their statements were recorded on 09.12.2016. Statement of respondent No.2 (complainant)- Parveen Bala has been recorded, wherein she has stated that an amicable settlement has been arrived at between the parties out of her own free will, without any force, fraud and pressure. Furthermore, she has no objection in case the above said FIR against the petitioner is quashed on the basis of the compromise. Statement of the petitioner has also been recorded.

As per report dated 22.12.2016 of the learned Chief Judicial Magistrate, SAS Nagar, Mohali it is noted that the settlement has been arrived at between the parties out of their own free will and volition, without any coercion or undue influence. It is also noted that as per statement of the Investigating Officer, the accused is not a proclaimed offender and no other case is pending between the parties. Copies of the statements of the parties have been appended along with the report.

Learned counsel for respondent No.2 affirms and verifies the factum of settlement between the parties and submits that respondent No. 2 has no objection to the quashing of above mentioned FIR as well as all the consequential proceedings arising therefrom.

Learned counsel for the State, on instructions from HC Raj Kumar submits that in view of the settlement arrived at between the parties, the State has no objection to the quashing of this FIR.

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 continuing the present proceedings. It will only lead to wastage of the precious time of the court and would be an exercise in futility.

This petition is, thus, allowed and FIR No. 63 dated 22.03.2014 registered under Sections 323,354-A of the Indian Penal Code (for short 'IPC') at Police Station Phase I, Mohali alongwith all consequential proceedings arising therefrom are hereby quashed.

(LISA GILL)
JUDGE

10.01.2017
PA

Whether speaking/reasoned : *Yes/No.*

Whether reportable : *Yes/No.*