

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

**CRM No. M-7166 of 2017
Date of decision: 18.05.2017**

Baljit Singh

..... Petitioner.

Versus

U.T., Chandigarh and another

..... Respondents.

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Yashdeep Nain, Advocate for
Mr. Kuldeep Tiwari, Advocate, for the petitioner.

Ms. Ashima Mor, Addl. P.P., U.T., Chandigarh.

Mr. Sanjeev K. Sharma, 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. 309 dated 07.10.2016 (**Annexure P-1**) registered under Section 354-A of the Indian Penal Code (for short 'IPC') at Police Station Sector 39, Chandigarh and all other consequential proceedings arising therefrom on the basis of an amicable settlement (**Annexure P-2**) arrived at between the parties.

It is submitted that the above said FIR was registered at the behest of respondent No. 2 due to certain misunderstandings between the parties. The petitioner and respondent No. 2 are related to each other and are neighbours. Moreover, with the intervention of respectables, elders and relatives, the matter has been amicably resolved between the parties as is reflected in compromise deed dated 19.10.2016 (**Annexure P-2**). The parties wish to live in peace and harmony and put an end to the acrimony between them. It is thus, prayed that the above mentioned FIR be quashed.

This Court on 22.03.2017 directed the parties to appear before the learned trial Court/Illaq Magistrate on 05.04.2017 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 without any fear, apprehension, undue influence or coercion. Learned trial court/Illaqa Magistrate was directed to intimate whether the petitioner is a proclaimed offender and whether any other case is pending against him.

Pursuant to order dated 22.03.2017, the parties appeared before the learned Judicial Magistrate 1st Class, Chandigarh and their joint statement was recorded on 05.04.2017. It is stated by both of them that the matter has been amicably resolved between the parties out of their own free will, without any threat, pressure or coercion. Respondent No. 2 has stated that she has no objection to the quashing of the above said FIR against the petitioner.

As per report dated 05.04.2017, submitted by the learned Judicial Magistrate 1st Class, Chandigarh, it is opined that the settlement arrived at between the parties is voluntary, without any pressure or coercion from any quarter. The petitioner is not a proclaimed offender and neither are any such proceedings pending against him.

Learned counsel for the complainant/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 petitioner.

Learned counsel for the State, in view of the facts and circumstances of the case, does not raise any serious objection to the quashing of the above said 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”.

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. 309 dated 07.10.2016 registered under Section 354-A of the IPC at Police Station Sector 39, Chandigarh alongwith all consequential proceedings arising therefrom are hereby quashed qua the petitioner.

(LISA GILL)
JUDGE

18.05.2017
PA

Whether speaking/reasoned : *Yes/No.*

Whether reportable : *Yes/No.*