

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

Criminal Misc. No. M- 9175 of 2017(O&M)

Date of Decision: July 28 , 2017.

Ashok and another PETITIONER(s)

Versus

State of Haryana and another RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Baljeet Beniwal, Advocate for
Mr. Keshav Pratap Singh, Advocate
for the petitioners.

Mr. Sandeep Vashisht, DAG, Haryana.

Mr. Prashant S.Chauhan, Advocate
for respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.11 dated 23.01.2017 under Sections 354A/354D/341/365/511/379A/506/34 IPC registered at Police Station Women Palwal, District Palwal and all other consequential proceedings arising therefrom on the basis of a compromise arrived at between the parties.

The abovesaid FIR was registered at the behest of respondent No.2. With the intervention of respectables of the area and relatives of both the families, the matter has been settled between the parties, the terms of which were reduced into writing on 10.03.2017. The parties wish to live in peace and

harmony and put an end to the acrimony between them.

This Court on 01.05.2017 directed the parties to appear before learned trial court 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 coercion, fear or undue influence. Learned trial court was also directed to intimate whether any of the petitioners are proclaimed offenders and number of persons arrayed as accused.

Pursuant to order dated 01.05.2017, the parties appeared before the learned Additional Sessions Judge, Palwal and their statements were recorded on 17.05.2017. As per report dated 18.05.2017 received from the learned Additional Sessions Judge, Palwal it is reported that the parties have recorded their statements regarding the compromise. It is opined that the compromise between the parties is genuine and voluntary, arrived at without any coercion or undue influence. None of the accused is reported to be a proclaimed offender.

Learned counsel for respondent No.2 reaffirms and verifies the factum of settlement between the parties. It is reiterated that respondent No.2 has no objection to the quashing of the abovementioned FIR against all the petitioners.

Learned counsel for the State submits that as the parties have amicably resolved the matter in the interest of peace and harmony, the State has no objection to the quashing of this 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”.

Keeping in view the facts and circumstances of this case, 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. The chances of conviction of the accused are extremely bleak in view of the stand taken by the complainant. It will merely lead to wastage of precious time of the court and would be an exercise in futility.

This petition is, thus, allowed and FIR No.11 dated 23.01.2017 under Sections 354A/354D/341/365/511/379A/506/34 IPC registered at Police Station Women Palwal, District Palwal alongwith all consequential proceedings are, hereby, quashed.

July 28 , 2017.
'om'

(LISA GILL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No