

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

CRM-M-1484 of 2018 (O&M)

Date of Decision:17.04.2018

Mandeep Singh

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Neeraj Madaan, Advocate
the petitioner.

Mr. Sukhbeer Singh, AAG., Punjab.

Mr. J.S.Ghumman, Advocate
for respondent no.2.

LISA GILL, J(Oral).

Prayer in this petition is for quashing of FIR No.189 dated 05.10.2017, under Section 354 IPC, registered at Police Station Sadar Jalalabad, District Fazilka, along with all other consequential proceedings arising therefrom on the basis of a compromise arrived at between the parties.

It is submitted that the above said FIR was registered due to certain misunderstandings between the parties. The matter has been amicably resolved and respondent no.2 does not wish to pursue the matter against the petitioner any longer. It is thus prayed that this petition be allowed.

This Court on 16.01.2018 directed the parties to appear before the learned trial court for recording of 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 the petitioner is absconding/proclaimed offender and whether any other case is pending against him. Information was sought as to whether all affected persons are a party to the settlement.

Pursuant to order dated 16.01.2018, the parties appeared before the learned Judicial Magistrate Ist Class, Jalalabad (West), on 16.02.2018. Respondent No.2 aged 20 years stated that with the intervention of respectables and Panchayat of the village, the matter has been amicably resolved with the accused-petitioner. Compromise deed was tendered as Ex.CX. It is stated that the compromise has been arrived at out of her own free will, without any fear or pressure and she has no objection in case the abovesaid FIR against the petitioner is quashed. Statement of the petitioner in respect to the settlement was recorded as well.

It is noticed that two persons namely Gurcharan Singh and Harbhajan Singh, who are admittedly not related to the incident in question raised an objection against the compromise on the ground that their religious feelings have been hurt. This fact is duly mentioned in report dated 13.03.2018 submitted by learned Judicial Magistrate Ist Class, Jalalabad (West).

As per report dated 13.03.2018, received from the learned Judicial Magistrate Ist Class, Jalalabad (West), satisfaction is

expressed that the compromise between the parties is genuine, arrived at out of the free will of the parties, without any pressure or coercion. Petitioner is not reported to be a proclaimed offender nor involved in any other criminal case.

Learned counsel for respondent No.2 affirms and verifies the factum of settlement between the parties and submits that his client has no objection to the quashing of the aforementioned FIR against the petitioner. It is further submitted that the said persons Gurcharan Singh and Harbhajan Singh, are neither affected persons nor related to the controversy in hand. Therefore, their objection, if any, is irrelevant. In case of any grievance, they have separate remedies.

Learned counsel for the State has not raised any serious objection to the quashing of this FIR on the basis of a settlement arrived at between the parties. It is verified on instructions of HC Mukhtiar Singh that Gurcharan Singh and Harbhajan Singh are not the affected persons in this case and are not related to the matter in any manner.

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 above-said FIR as no useful purpose would be served by continuance of the present proceedings. 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.189 dated 05.10.2017, under Section 354 IPC, registered at Police Station Sadar Jalalabad, District Fazilka, along with all consequential proceedings are, hereby, quashed.

17.04.2018

s.khan

[LISA GILL]
Judge

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