

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

Criminal Misc. No. M- 16394 of 2017(O&M)

Date of Decision: January 09 , 2018.

Angrez Singh @ Geji

..... PETITIONER(s)

Versus

State of Punjab and another

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Ms. Harveen Kaur, Advocate
for the petitioner.

Ms. Seena Mand, DAG, Punjab.

Mr. R.S.Chahal, Advocate
for the complainant/respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.228 dated 26.11.2013 under Section 354 IPC, registered at Police Station Sadar, Jagraon and all other consequential proceedings arising therefrom on the basis of a compromise arrived at between the parties.

It is submitted that the abovesaid FIR was registered at the instance of respondent No.2 due to certain misunderstandings between the parties, which have since been removed with the intervention of respectables and relatives. The terms of compromise arrived at between the parties were reduced into writing on 26.04.2017 (Annexure P2). The parties decided to put an end to the acrimony between them and wish to live in peace and harmony. Respondent No.2, it is

submitted, no longer wishes to pursue the matter any further.

This Court on 19.09.2017 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 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 19.09.2017, the parties appeared before the learned Judicial Magistrate First Class, Jagraon and their statements were recorded on 24.10.2017. Respondent No.2 stated that that she has amicably resolved the matter with the accused petitioner out of her own free will without any fear or pressure. It is further stated that she has no objection in case the abovesaid FIR against the accused petitioner is quashed. Statement of the petitioner in respect to the settlement was recorded as well.

As per report dated 24.10.2017 received from the learned Judicial Magistrate First Class, Jagraon, satisfaction is expressed that the compromise between the parties is genuine and voluntary, arrived at without any pressure or coercion. The petitioner is not reported to be a proclaimed offender. Statements of the parties are appended alongwith the said report.

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 the petitioner.

Learned counsel for the State has raised no serious objection to the quashing of the FIR in question as well as all consequential proceedings 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. 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.228 dated 26.11.2013 under Section 354 IPC registered at Police Station Sadar, Jagraon alongwith all consequential proceedings are, hereby, quashed.

January 09 , 2018.
'om'

(**LISA GILL**)
JUDGE

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