

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

Criminal Misc. No.M- 24417 of 2017 (O&M)

Date of decision : March 19, 2018

Gurvail Singh

.....Petitioner

Versus

State of Punjab and another

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. J.S. Khattar, Advocate for
Mr. Veneet Sharma, Advocate
for the petitioner.

Mr. Sukhleen Singh, AAG, Punjab

Mr. Sandeep Sharma, Advocate
for respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No. 204 dated 15.10.2012 under Sections 452, 354, 506 IPC registered at Police Station Lopoke, Amritsar Rural, District Amritsar 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 due to certain misunderstandings between the parties, which have since been removed and the matter was amicably resolved on 22.05.2017. Respondent No. 2, it is submitted, no longer wishes to pursue this matter against the petitioner. The parties wish to live in peace and harmony. The present petition has been filed on the basis of this compromise.

This Court on 20.09.2017 and 22.12.2017 directed the parties

to appear before learned trial court/Illaq Magistrate for recording their statements in respect to the above-mentioned compromise. Learned trial court/Illaq 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 coercion, fear or undue influence. Learned trial court/Illaq Magistrate was also directed to intimate whether the petitioner is absconding/proclaimed offenders 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 orders dated 20.09.2017 and 22.12.2017, the parties appeared before the learned Judicial Magistrate First Class, Ajnala and their statements were recorded on 11.01.2018. Respondent No.2 stated that the matter has been compromised by her with all the accused persons out of her own free will, voluntarily, without any pressure and undue influence. Respondent No.2 specifically stated that she has no objection to the quashing of the abovesaid FIR qua the petitioner. Statement of the petitioner in respect to the compromise was also recorded.

As per report dated 11.01.2018 received from the learned Judicial Magistrate First Class, Ajnala, satisfaction is expressed that the compromise between the parties is genuine, arrived at out of free will of the parties, without any pressure and undue influence. 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 submits that as the abovesaid FIR as the parties have amicably resolved the matter in order to maintain 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. 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. 204 dated 15.10.2012 under Sections 452, 354, 506 IPC registered at Police Station Lopoke, Amritsar Rural, District Amritsar alongwith all consequential proceedings are, hereby, quashed.

March 19, 2018
rts

(Lisa Gill)
Judge

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