

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Criminal Misc. No. M-25738-2016

Date of Decision: May 08, 2018.

SAKANDER SINGH & ORS.

..... PETITIONERS

Versus

STATE OF PUNJAB AND ANR.

..... RESPONDENTS

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. B.S. Bajwa, Advocate, for the petitioners.
Mr. D.S. Sukarchakia, DAG, Punjab.
Mr. R.K. Chaudhary, Advocate for
Mr. M.S. Saini, Advocate,
for the complainant/respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.10 dated 17.01.2016 registered under Sections 354, 354A, 353, 186, 342, 506, 148 of the Indian Penal Code ('IPC' for short) at Police Station Civil Line Batala, District Gurdaspur and all other consequential proceedings arising therefrom on the basis of a compromise arrived at between the parties.

It is submitted that respondent No. 2 is in fact a tenant of petitioner No. 1 and due to certain misunderstandings the abovesaid FIR was registered against the petitioners. The parties wish to live in peace and harmony. It is further submitted that no offence punishable under Section 186 IPC is made out against any of the petitioners. Reference is made to report dated 25.01.2016 submitted by Deputy Superintendent of Police (Investigation), Batala.

As per reply filed by way of affidavit of Mr. Sucha Singh, PPS, Deputy Superintendent of Police, City Batala, Police District Batala dated 02.02.2018, it is specifically stated that ASI Balkar Singh, the then Incharge

Police Post, Urban Estate, Batala submitted his affidavit to the Investigating Officer to the effect that he could not recognize the accused persons properly as at the time of occurrence it was dark. Accused who allegedly tried to obstruct the police in performing their duties were nominated only as per statement of the complainant and not as identified by him. It is stated that the present petitioners were not guilty of any offence. Affidavit of ASI Balkar Singh is attached as Annexure R-1 with the said reply.

Respondent No. 2, it is submitted, does not wish to proceed against any of the accused/petitioners in the abovementioned FIR. In this view of the matter, it is submitted that there is no impediment to the quashing of the aforementioned FIR against all the petitioners.

Pursuant to order dated 19.01.2017, the parties appeared before the learned Judicial Magistrate Ist Class, Batala on 01.02.2017. Respondent No.2 stated that the matter has been amicably resolved with the petitioners, out of her own free will without any pressure, undue influence or coercion and she has no objection to quashing of the aforementioned against all the accused/petitioners. Joint statements of all the accused in respect to the settlement were recorded as well.

As per report dated 07.02.2017 received from the learned Judicial Magistrate First Class, Batala, satisfaction is expressed that the compromise between the parties is genuine and is a result of free will and volition of the parties without any pressure, coercion or undue influence. None of the petitioners are reported to be proclaimed offenders. 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 in case the abovementioned FIR is quashed subject to the petitioners.

Learned counsel for the State is unable to deny that ASI Balkar Singh submitted the affidavit Annexure R-1 attached with the reply dated 02.02.2018. No serious objection has been raised by the State to the quashing of the FIR in question.

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.10 dated 17.01.2016 registered under Sections 354, 354A, 353, 186, 342, 506, 148 of IPC at Police Station Civil Line Batala, District Gurdaspur alongwith all consequential proceedings are, hereby, quashed.

May 08, 2018
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(LISA GILL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No