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

CRM-M No.26511 of 2017

Date of Decision: January 17, 2018

Parvesh Kaur and others

..... Petitioners

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Deepak Basatia, Advocate
for the petitioners.

Mr. Ashok S. Chaudhary, Addl. A.G., Haryana
for respondent No.1-State.

Mr. Vipul Sherwal, Advocate for
Mr. R. S. Bajiyani, Advocate
for respondents No.2 to 4.

LISA GILL J. (ORAL)

Prayer in this petition is for quashing of FIR No.310 dated 17.08.2014 under Sections 148, 149, 323, 354-B, 447, 542, 506, 422 IPC and Sections 11(ii) and 12 of POCSO Act registered at Police Station Farakpur, District Yamuna Nagar *qua* the present petitioners along with all subsequent proceedings arising therefrom on the basis of compromise (Annexure P-3).

It is submitted that the aforementioned FIR was registered at the instance of respondent No.2 due to certain misunderstandings which had arisen regarding the tenancy and dispossession of the house belonging to petitioner No.1. It is stated that the matter has been amicably resolved

between the parties. The terms and conditions of the settlement were reduced into writing (Annexure P-3).

Respondents No.3 and 4 i.e. the victim/affected persons have since attained majority. It is submitted that respondents No.2 to 4 have no objection to the quashing of the aforementioned FIR against the petitioners. One of the co-accused namely Tinku @ Manpreet Singh is not a party to this petition. However, reliance is placed on a decision of this Court in '*Parambir Singh Gill versus Malkiat Kaur* 2010(1) RCR (Criminal) 256 to submit that there is no impediment to the quashing of the FIR qua some of the accused persons only.

Pursuant to order dated 09.08.2017, the parties appeared before the learned Additional District & Sessions Judge (Exclusive Court for Heinous Crimes against Women and Children), Yamuna Nagar at Jagadhari and their statements were recorded on 14.08.2017. Respondent No.2 stated that the matter has been amicably resolved by her with petitioners No.1 to 7. It is stated that as per the compromise, respondent No.2 handed over the possession of the tenanted premises to Smt. Parvesh Kaur and her husband Dilbagh Singh. Certain misunderstanding had arisen because of a dispute of the tenancy of the house. It is mentioned that the accused namely Tinku @ Manpreet Singh son of Dilbagh Singh and Parvesh Kaur was not present. However, the complainant it is stated has no grudge against him as well. It is further stated that the daughters of the complainant have attained majority. The matter has been compromised out of their own free will, without any kind of pressure or coercion. The complainant's husband, who was present at the time of dispute is stated to be bed ridden for the last twelve (12) years and unable to walk therefore

not present before the learned Additional District & Sessions Judge. It is stated that the complainant, her husband or her daughters have no objection to the quashing of the aforementioned FIR against all the accused. Statements of respondents No.3 and 4 in respect of the settlement were recorded as well. Both of them stated that they do not have any objection to the quashing of the aforementioned FIR against the petitioners. Joint statement of the petitioners in respect of the settlement were recorded as well.

As per report dated 19.08.2017 received from the learned District & Sessions Judge, Yamuna Nagar, satisfaction is expressed that compromise between the parties is genuine, arrived at out of their own free will, without any kind of pressure. None of the petitioners are reported to be proclaimed offenders. It is mentioned that the accused Tinku @ Manpreet Singh (not a petitioner in this case) has not joined proceedings and warrant of arrest has been issued.

Learned counsel for respondents No.2 to 4 reaffirms and verifies the factum of settlement between the parties. It is submitted that the FIR in question was registered due to certain misunderstandings between the parties and they have no objection in case the aforesaid FIR against the petitioners is quashed.

Learned counsel for the State, in view of the peculiar circumstances of the case has not raised any serious objections to the quashing of this FIR.

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.310 dated 17.08.2014 under Sections 148, 149, 323, 354-B, 447, 542, 506, 422 IPC and Sections 11(ii) and 12 of POCSO Act registered at Police Station Farakpur, District Yamuna Nagar *qua* the present petitioners along with all subsequent proceedings arising therefrom on the basis of compromise (Annexure P-3) are, hereby, quashed.

January 17, 2018

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**(LISA GILL)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No