

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

Criminal Misc. No.M- 27662 of 2017 (O&M)

Date of decision : April 05, 2018

Rahul Walia

.....Petitioner

Versus

State of Haryana and another

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Sukhvinder Singh Nara, Advocate
for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

Mr. Sanjay Kumar Panghal, Advocate
for respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No. 230 dated 01.07.2016 under Section 354D IPC registered at Police Station Ambala City, Ambala and all other consequential proceedings arising therefrom on the basis of a compromise dated 12.07.2017 (Annexure P-2) arrived at between the parties.

It is submitted that the above said FIR was registered due to certain misunderstandings between the parties, which have now been removed with the intervention of respectables. Respondent No. 2 does not wish to pursue the matter any longer. The parties, who belong to the same locality, wish to live in peace and harmony.

This Court on 09.10.2017 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 09.10.2017, the parties appeared before the learned Chief Judicial Magistrate, Ambala and their statements were recorded on 26.10.2017. Respondent No.2 stated that the matter has been compromised by her with the petitioner out of her own free will, without any kind of pressure, fear or coercion. Respondent No.2 further 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 21.11.2017 received from the learned Chief Judicial Magistrate, Ambala satisfaction is expressed that the compromise between the parties is genuine, voluntary, arrived at out of free will of the parties, without any coercion or undue influence. The petitioner, who is the sole accused, 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, on instructions from ASI Suresh Kumar, 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. 230 dated 01.07.2016 under Section 354D IPC registered at Police Station Ambala City, Ambala alongwith all consequential proceedings are, hereby, quashed.

April 05, 2018
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No