

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

Criminal Misc. No. M- 31591 of 2016(O&M)

Date of Decision: April 24 , 2018.

Bhupinder Singh @ Paras and others

..... PETITIONER(s)

Versus

State of Punjab and others

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Lovkesh Gupta, Advocate
for the petitioners.

Mr. D.S.Sukarcharkia, DAG, Punjab.

Ms. Amandeep Sibia, Advocate
for respondents No.2 and 3.

LISA GILL, J.

CRM No.5411 of 2018

For the reasons mentioned in the application, Section 325 IPC be added in the Head Note as well as the prayer clause of the petition. Necessary addition be carried out by the Registry.

CRM is disposed of.

CRM No.M-31591 of 2016

Prayer in this petition is for quashing of FIR No.0071 dated 11.06.2016 under Sections 354A/323/324/34 IPC (Section 325 IPC added subsequently), registered at Police Station Division No.4, District Jalandhar 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, which have since been removed and with the intervention of respectables the matter has been amicably resolved by the parties in order to maintain peace and harmony as they are residents of same area. The terms of the compromise arrived at between the parties were reduced into writing on 21.06.2016 (Annexure P2).

This Court on 09.02.2017 directed the parties to appear before learned trial court/Illaqa Magistrate for recording their statements in respect to the above-mentioned compromise. Learned trial court/Illaqa Magistrate was directed to submit a report regarding the genuineness of the compromise, number of persons arrayed as accused and as to whether it has been arrived at voluntarily without any coercion or undue influence.

Pursuant to order dated 09.02.2017, the parties appeared before the learned Chief Judicial Magistrate, Jalandhar and their statements were recorded on 22.03.2017. The complainant/respondent No.2 specifically stated that the matter has been compromised with all the accused petitioners out of her own free will and volition without any pressure, coercion or undue influence. The said compromise dated 21.06.2016 is duly signed by the complainant's husband – Sukhdeep Singh as well as the complainant. Copy of the compromise was tendered as Ex.C1. Joint statement of all the petitioners in respect to the settlement was recorded as well.

As per report dated 23.03.2017 received from the learned Chief Judicial Magistrate, Jalandhar, satisfaction is expressed that the compromise

between the parties is genuine and voluntary, arrived at without any 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 to the quashing of the abovementioned FIR against the petitioners.

Learned counsel for the State, on instructions from ASI Ajinder Singh, 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.0071 dated 11.06.2016 under Sections 354A/323/324/34 IPC (Section 325 IPC added subsequently), registered at Police Station Division No.4, District Jalandhar alongwith all

consequential proceedings are, hereby, quashed.

However, liberty is afforded to respondent No.2 to file necessary application for revival of the proceedings in the above said FIR, in case the terms and conditions of settlement between the parties are not adhered to by the petitioners or it is found that the settlement was a mere ruse to have the aforesaid FIR quashed.

April 24 , 2018.
'om'

(LISA GILL)
JUDGE

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