

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

**Crl. Misc. No. M-3167 of 2018
Date of Decision : March 07, 2018**

Palwinder Singh and others.....Petitioners

Versus

State of Punjab and others Respondents

CORAM : HON'BLE MRS. JUSTICE LISA GILL

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Present: Mr. Joginder Pal Ratra, Advocate
for the petitioners.

Mr. Anmol Singh Sandhu, AAG, Punjab.

Mr. Amit Kumar Saini, Advocate
for respondents No. 2 and 3.

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LISA GILL, J. (Oral)

Prayer in this petition is for quashing of FIR No. 120 dated 11.08.2017 under Sections 307, 323, 452, 354, 295, 148, 149, 120-B and 427 IPC registered at Police Station Gharinda, District Amritsar along with all other consequential proceedings arising therefrom on the basis of compromise dated 12.01.2018 (Annexure P2) arrived at between the parties.

It is submitted that the above said FIR was registered due to some misunderstandings between the parties which have since been removed. The terms and conditions of the settlement were reduced into writing on 12.01.2018 (Annexure P2). All of them wish to live in peace and

harmony. No offence punishable under Section 307 IPC or any other provision is made out against the petitioners. There is thus no impediment to the quashing of this FIR. It is therefore prayed that this petition be allowed.

Pursuant to order dated 24.01.2018 parties appeared before the learned Chief Judicial Magistrate, Amritsar and their statements were recorded on 15.02.2018. The complainant/respondent No.2 stated that the matter has been amicably resolved by her with all the accused-petitioners out of her own free will and she has no objection to the quashing of the above-said FIR against all the petitioners. Respondent No.3, the injured (husband of respondent No.2) also stated on similar lines and specifically stated that he has no objection to the quashing of the aforementioned FIR. A joint statement of all the petitioners in respect to the settlement was recorded.

As per report dated 27.02.2018 submitted by the learned Chief Judicial Magistrate, Amritsar, satisfaction is expressed that the compromise between the parties is genuine, arrived at out of the free will of the parties without any pressure. None of the 14 accused/petitioners in the aforesaid FIR is reported to be a proclaimed offender. Statements of the parties are appended along with the said report.

Learned counsel for respondents No. 2 and 3 affirms and verifies the factum of settlement between the parties. None of them wishes to proceed against the other and there is no objection to the quashing of the aforesaid FIR.

Learned counsel for the State has not raised any serious

objection to the quashing of the aforesaid 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 above-said 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. 120 dated 11.08.2017 under Sections 307, 323, 452, 354, 295, 148, 149, 120-B and 427 IPC registered at Police Station Gharinda, District Amritsar along with all consequential proceedings are, hereby, quashed.

07.03.2018
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(LISA GILL)
JUDGE

Note: Whether speaking/reasoned
Whether Reportable:

Yes / No
Yes / No