

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

Criminal Misc. No.M- 3302 of 2018 (O&M)

Date of decision : May 23, 2018

Lovekesh

.....Petitioner

Versus

State of Punjab and others

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Ashok Paul Batra, Advocate
for the petitioner.

Ms. Ruchika Sabharwal, AAG, Punjab.

None for respondents No.2 and 3.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No. 114 dated 31.10.2017 under Sections 354, 354D, 506 IPC registered at Police Station City II, Abohar 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 due to certain misunderstandings between the parties, which have since been removed. Parties are residents of the same District. They wish to live in peace and harmony after burying the hatchet. Respondent No. 2 is the complainant and victim in this case and respondent No. 3 is her father. Respondent No. 2 is major. Both the respondents do not wish to proceed with the matter any longer in the interest of peace and harmony.

On 25.01.2018, Mr. Rajinder Kantiwal, Advocate had appeared on behalf of respondent No.2 and affirmed the factum of settlement between the parties.

Consequently, this Court directed the parties to appear before

the learned trial Court/Illaq Magistrate for recording of their statements on 20.02.2018. Learned trial court/Illaq Magistrate 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/Illaq Magistrate was also directed to intimate whether the petitioner is absconding/proclaimed offenders 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 25.01.2018, the parties appeared before the learned Judicial Magistrate First Class, Abohar and their statements were recorded on 20.02.2018. Respondent No.2 (victim/complainant) as well as her father – respondent No. 3 stated that the matter has been compromised by them with the petitioner out of their own free will, without any pressure or coercion. They do not have any 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 28.02.2018 received from the learned Judicial Magistrate First Class, Abohar satisfaction is expressed that the compromise between the parties is genuine, voluntary, without any threat, 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 the State 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. 114 dated 31.10.2017 under Sections 354, 354D, 506 IPC registered at Police Station City II, Abohar alongwith all consequential proceedings are, hereby, quashed.

However, liberty is afforded to respondent No.2 to file appropriate application in case the factual position as mentioned is not as per the record.

May 23, 2018
rts

(Lisa Gill)
Judge

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