

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

Criminal Misc. No. M- 32929 of 2017(O&M)

Date of Decision: February 21 , 2018.

Gurpreet Singh Bedi @ Sam and others PETITIONER(s)

Versus

State of Punjab and others RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Veneet Sharma, Advocate
for the petitioners.

Mr. Sukhbir Singh, AAG, Punjab.

Mr. Sandeep Sharma, Advocate
for respondents No.2 to 6.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.164 dated 11.05.2016 under Sections 354/336/323/427/506/294/186/148/149 IPC and Sections 25/27 of the Arms Act, registered at Police Station Civil Lines, Amritsar City, District Amritsar 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 arose between the parties on account of certain issues over the parking in the area. The petitioners and respondents No.2 to 6 are neighbours. With the intervention of respectables of the locality, the matter has been amicably resolved between the parties. All the

parties wish to bury the hatchet and live in peace and harmony. Learned counsel for the petitioners contends that no weapon was recovered in this case and there is nothing on record to indicate that any obstruction was caused by any of the petitioners in the discharge of public functions by any public servant. It is thus prayed that this petition be allowed.

This Court on 08.11.2017/09.2.2018 directed the parties to appear before the learned trial court/Illaqa Magistrate to record their statements in respect to the settlement. Learned trial court/Illaqa 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/Illaqa Magistrate was also directed to intimate whether any of the petitioners are absconding/proclaimed offenders and whether any other case is pending against them. Information was sought as to whether all affected persons are a party to the settlement.

In terms of orders dated 08.11.2017/09.02.2018 passed by this Court, the parties appeared before learned Chief Judicial Magistrate, Amritsar on 14.02.2018. The complainant/respondent No.2 stated that matter has been amicably resolved with all the accused petitioners out of her own free will without any pressure, coercion or threat. Respondent No.2 further stated that she has no objection in case the abovesaid FIR against the accused petitioners is quashed. Statements of respondents No.3 to 6 were also recorded. All of them have specifically stated that the matter has been amicably resolved between the parties without any pressure, coercion or threat and they have no objection in case the abovesaid FIR is quashed against the petitioners. Joint statement of the

petitioners in respect to the settlement was recorded as well. Statement of ASI Satpal Singh was recorded to the effect that none of the petitioners are proclaimed offenders and that there is no other affected person except respondents No.2 to 6.

As per report dated 17.02.2018 received from the learned Chief Judicial Magistrate, Amritsar, satisfaction is expressed that the compromise between the parties is genuine and bonafide, arrived at out of the free will of the parties without any pressure or coercion. None of the petitioners are reported to be proclaimed offenders. Statements of the parties are appended alongwith the said report.

Learned counsel for respondents No.2 to 6 reaffirms and verifies the factum of settlement between the parties and reiterates that the said respondents have no objection to the quashing of the abovementioned FIR against the petitioners as they do not want to pursue the matter any longer and wish to live in peace and harmony with the petitioners.

Learned counsel for the State has not raised any 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. Nothing has been pointed out from the record to indicate the commission of the offences punishable under Section 186 IPC or under Sections 25/27 of the Arms Act.

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. 164 dated 11.05.2016 under Sections 354/336/323/427/506/294/186/148/149 IPC and Sections 25/27 of the Arms Act, registered at Police Station Civil Lines, Amritsar City, District Amritsar alongwith all consequential proceedings are, hereby, quashed.

February 21 , 2018.
'om'

(LISA GILL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No