

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

CRM-M-33108 of 2017 (O&M)

Date of Decision: 20.02.2018

Sunil Kumar

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Bhavnesh Aggarwal, Advocate
for Mr. Ashish Aggarwal, Advocate
for the petitioners.

Mr. Kulbeer Singh, AAG., Punjab

Mr. Umesh Aggarwal, Advocate
for Mr. Vikas Gupta, Advocate
for respondent no.2.

LISA GILL, J(Oral).

Prayer in this petition is for quashing of FIR No.66 dated 06.04.2016, under Sections 354-D, 507, 509 IPC, registered at Police Station Patti, District Tarn Taran, along with all other consequential proceedings arising therefrom on the basis of compromise arrived at between the parties.

It is submitted that the above said FIR in which allegations of preparing a wrong I.D. have been levelled was registered due to misunderstandings between the parties which have since been removed with the intervention of respectables and family friends. Terms and conditions of the settlement were reduced into writing on 19.06.2017 (Annexure P-2). It is thus prayed that this petition be allowed.

This Court on 06.10.2017 directed the parties to appear

before the learned trial court for recording of 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 06.10.2017, the parties appeared before the learned Sub-Divisional Judicial Magistrate, Patti, on 31.10.2017. Respondent No.2 stated that the matter has been amicably resolved by her with the petitioner out of her own free will and consent, without any undue influence or coercion. It is stated that respondent no.2 has no objection in case the abovesaid FIR against the petitioner is quashed. Statement of the petitioner in respect to the settlement was recorded as well.

As per report dated 08.11.2017, received from the learned Sub-Divisional Judicial Magistrate, Patti, satisfaction is expressed that the compromise between the parties is genuine, arrived at out of the free will of the parties, without any pressure or coercion. Petitioner is not reported to be a proclaimed offender nor involved in any other criminal case.

Learned counsel for respondent No.2 affirms and verifies the factum of settlement between the parties. It is reiterated that respondent No.2 has no objection to the quashing of the above-

mentioned FIR against the petitioner subject to the petitioner strictly adhering to the terms and conditions of the settlement.

Learned counsel for the State has not raised any serious 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 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.66 dated 06.04.2016, under Sections 354-D, 507, 509 IPC, registered at Police Station Patti, District Tarn Taran, along with all consequential proceedings are, hereby, quashed.

20.02.2018

s.khan

[LISA GILL]
Judge

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.