

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

Criminal Misc. No.M- 34181 of 2017 (O&M)

Date of decision : February 28, 2018

Malkiat Singh and others

.....Petitioners

Versus

State of Punjab and another

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Harkaran Singh, Advocate for
Mr. B.S. Bhalla, Advocate
for the petitioners.

Ms. Seena Mand, DAG, Punjab.

Mr. Nitin Rathour, Advocate
for respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No. 80 dated 26.04.2017 under Sections 354A, 323, 34 IPC registered at Police Station Dharamkot, District Moga and all other consequential proceedings arising therefrom on the basis of a compromise dated 01.09.2017 (Annexure P-2) 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 between the parties, which have since been removed with the intervention of respectables and relatives. The parties wish to live in peace and harmony and put an end to the acrimony between them. The present

petition has been filed on the basis of this compromise.

This Court on 14.11.2017 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, 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.

Pursuant to order dated 14.11.2017, the parties appeared before the learned Judicial Magistrate First Class, Moga and their statements were recorded on 08.12.2017. Respondent No.2 stated that she has amicably resolved the matter with all the accused petitioners with the intervention of respectables of society. The compromise, it is stated, has been arrived at out of her own free will, without any threat, pressure or coercion. Respondent No.2 stated that she has no objection to the quashing of the abovesaid FIR qua the petitioners. Statements of the petitioners in respect to the compromise were also recorded.

As per report dated 06.01.2018 received from the learned Judicial Magistrate First Class, Moga satisfaction is expressed that the compromise between the parties is genuine, arrived at out of the free will of the parties, without any threat, pressure or coercion. None of the

petitioners is reported to be a proclaimed offender. 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 all the petitioners.

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. 80 dated 26.04.2017 under Sections 354A, 323, 34 IPC registered at Police

Station Dharamkot, District Moga alongwith all consequential proceedings are, hereby, quashed.

February 28, 2018

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No