

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

**Crl. Misc. No. M-34969 of 2017
Date of Decision : March 19, 2018**

Aman @ BabuPetitioner

Versus

State of Punjab and others Respondents

CORAM : HON'BLE MRS. JUSTICE LISA GILL

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Present: Mr. Narinder S. Lucky, Advocate
for the petitioner.

Mr. Anmol Singh Sandhu, AAG, Punjab.

Ms. Neha Bakshi, 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. 0407 dated 21.12.2016 under Sections 363/366A IPC registered at Police Station City Barnala, along with all other consequential proceedings arising therefrom.

It is submitted that no offence under Sections 363/366A IPC is made out against the petitioner. In fact, the petitioner and respondent No.3 solemnized marriage on 26.12.2016. Respondent No.3, it is stated, is now major. Petitioner and respondent No.3 have been blessed with a child as well. The complainant-respondent No.2 has also accepted their marriage. It is submitted that there is no impediment in quashing of the aforesaid FIR.

Learned counsel for respondents No.2 and 3 affirms the factual position as above.

Pursuant to order dated 13.12.2017 parties appeared before the learned Chief Judicial Magistrate, Barnala, and their statements were recorded on 16.01.2018. Respondent No.2 (complainant and brother of respondent No.3) as well as respondent No.3 specifically stated that the matter has been amicably resolved and they have no objection to the quashing of the above-said FIR against the petitioner. Statement of the petitioner in respect to the settlement was also recorded.

As per report dated 25.01.2018 submitted by the learned Chief Judicial Magistrate, Barnala, satisfaction is expressed that the compromise between the parties is genuine, voluntarily arrived at between the parties without any coercion or undue influence. The sole accused i.e. the petitioner in the aforesaid FIR is not 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 reiterates that respondent No.3 is now major and has been blessed with a child out of her wedlock with the petitioner solemnized on 26.12.2016. It is further reiterated that the said respondents have no objection to the quashing of the aforementioned FIR against the petitioner.

Learned counsel for the State, on instructions from ASI Dharam Pal, verifies that the petitioner and respondent No.3 are living together in the matrimonial home along with their minor child.

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. 0407 dated 21.12.2016 under Sections 363/366A IPC registered at Police Station City Barnala, along with all consequential proceedings are, hereby, quashed.

19.03.2018
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(LISA GILL)
JUDGE

Note: Whether speaking/reasoned
Whether Reportable:

Yes / No
Yes / No