

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

Criminal Misc. No. M- 35412 of 2017(O&M)

Date of Decision: February 26 , 2018.

Vikramjit Singh PETITIONER(s)

Versus

State of Punjab and another RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Jatinder Singh Gill, Advocate
for the petitioner.

Ms. Seena Mand, DAG, Punjab.

Mr. S.S.Tank, Advocate
for the complainant/respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.75 dated 24.10.2016 under Sections 354A/354D/509 IPC, registered at Police Station Sadar Shahpur Kandi, District Pathankot and all other consequential proceedings arising therefrom on the basis of a compromise arrived at between the parties.

The abovesaid FIR was registered at the instance of respondent No.2 due to certain misunderstandings between the parties regarding an incident alleged to have taken place on 21.10.2016. It is submitted that the said misunderstandings have since been removed with the intervention of respectables and elders. Respondent No.2, it is submitted, no longer wishes to continue with

the proceedings against the petitioner.

This Court on 15.11.2017 directed the parties to appear before learned trial court for recording 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 15.11.2017, the parties appeared before the learned Chief Judicial Magistrate, Pathankot and their statements were recorded on 22.11.2017. The complainant/respondent No.2 stated that the matter has been compromised between the parties out of her own free will without any pressure or coercion with the intervention of family members and respectables. It is stated that the settlement has been arrived at between the parties in order to maintain good relations and harmony in future. Respondent No.2 specifically stated that she did not wish to proceed with the present proceedings and has no objection in case the abovesaid FIR against the accused petitioner is quashed. Statement of the petitioner in respect to the settlement was recorded as well.

As per report dated 27.11.2017 received from the learned Chief Judicial Magistrate, Pathankot, it is specifically opined that the compromise between the parties is genuine, voluntary arrived at out of the free will of the parties without any pressure, coercion or undue influence. Respondent No.2 is

stated to be the only affected person in this case. The petitioner is not 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 the petitioner.

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.

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 further lead to wastage of precious time of the court and would be an exercise in futility. In order to render complete justice to the parties, it is considered just and expedient to allow this petition.

This petition is, thus, allowed and FIR No.75 dated 24.10.2016 under Sections 354A/354D/509 IPC, registered at Police Station Sadar Shahpur Kandi,

District Pathankot alongwith all consequential proceedings are, hereby, quashed.

February 26 , 2018.
'om'

(LISA GILL)
JUDGE

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