

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

Criminal Misc. No. M- 35777 of 2017(O&M)

Date of Decision: March 01 , 2018.

Shelender Singh Chauhan PETITIONER(s)

Versus

State of Haryana and another RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Ms. Sunita Nambiar, Advocate for
Mr. Abhimanyu Singh, Advocate
for the petitioner.

Mr. Ashok S.Chaudhary, Addl.AG, Haryana.

Mr. Angrej Kumar, Advocate
for the complainant/respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.276 dated 31.05.2015 under Sections 323/506/354/354D IPC, registered at Police Station DLF Phase-II, District Gurgaon (Gurugram) and all other consequential proceedings arising therefrom on the basis of a compromise arrived at between the parties.

It is submitted that the parties live in the same locality and the abovesaid FIR was registered at the instance of respondent No.2 due to certain misunderstandings. The same have now been removed with the intervention of respectables and common friends. A compromise was arrived at between the

parties, the terms of which were reduced into writing on 19.08.2017 (Annexure P2). The complainant, it is submitted, no longer wishes to pursue the matter against the petitioner.

This Court on 21.11.2017 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 21.11.2017, the parties appeared before the learned Judicial Magistrate First Class, Gurugram and their statements were recorded on 23.01.2018. Respondent No.2 stated that the matter has been amicably resolved by her with the petitioner out of her own free will without any kind of pressure or coercion. Respondent No.2 stated that she does not wish to proceed with the abovesaid FIR any longer. Statement of the petitioner in respect to the settlement was recorded as well.

As per report dated 03.02.2018 received from the learned Judicial Magistrate First Class, Gurugram, satisfaction is expressed that the compromise between the parties is genuine, arrived at out of the free will of the parties without any kind of pressure. 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 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.

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.276 dated 31.05.2015 under Sections 323/506/354/354D IPC, registered at Police Station DLF Phase-II, District Gurgaon (Gurugram) alongwith all consequential proceedings are, hereby, quashed.

(**LISA GILL**)
JUDGE

March 01 , 2018.
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No