

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

CRM-M-36068 of 2017 (O&M)

Date of Decision:01.02.2018

Gurwinder Singh @ Ginder

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. A.S.Gill, Advocate
for the petitioner.

Ms. Monika Jalota, DAG, Punjab.

Mr. L.S.Bhullar, Advocate
for respondents no.2 and 3.

LISA GILL, J(Oral).

Prayer in this petition is for quashing of FIR No.89 dated 05.07.2016, under Section 354-D IPC, Section 3(XI) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 and Section 12 of the Protection of Children from Sexual Offences Act, 2012, registered at Police Station Adampur, District Jalandhar (Rural), along with all other consequential proceedings arising therefrom on the basis of compromise dated 14.08.2017 (Annexure P-2) arrived at between the parties.

It is submitted that the abovesaid FIR was registered due to certain misunderstandings between the parties, which have been removed with the intervention of the respectables of the area. It is further submitted that respondent no.3, the alleged victim in this case is now major, her date of birth being 18.06.1998. Petitioner and the

respondents, it is submitted belong to the same area. They wish to live in peace and harmony. Therefore, it is prayed that this petition be allowed.

This Court on 26.10.2017 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 26.10.2017, the parties appeared before the learned Additional Sessions Judge, Jalandhar, and their statements were recorded on 13.11.2017. Respondents No.2 and 3 stated that the matter has been amicably resolved with the petitioner out of their own free will, without any threat, coercion or pressure. It is further stated by both the complainant and the victim, now aged 20 years, that 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 recorded. Statement of Avtar Singh, Panch of Gram Panchayat of village Parsrampur, one of the witness of the settlement was also recorded.

As per report dated 19.12.2017, received from the learned Additional Sessions Judge, Jalandhar, satisfaction is

expressed that the compromise between the parties is genuine, arrived at out of the free will of the parties, without any pressure, threat or coercion. Petitioner is not reported to be a proclaimed offender.

Learned counsel for respondents No.2 and 3 affirms and verifies the factum of settlement between the parties. It is reiterated that respondents No.2 and 3 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.89 dated 05.07.2016, under Section 354-D IPC, Section 3(XI) of Scheduled

Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 and Section 12 of the Protection of Children from Sexual Offences Act, 2012, registered at Police Station Adampur, District Jalandhar (Rural), along with all consequential proceedings are, hereby, quashed.

01.02.2018

s.khan

**[LISA GILL]
Judge**

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.