

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

Criminal Misc. No. M- 36875 of 2017(O&M)

Date of Decision: February 21 , 2018.

Manpreet Singh PETITIONER(s)

Versus

State of Punjab and another RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Suresh Singla, Advocate
for the petitioners.

Mr. Sukhbir Singh, AAG, Punjab.

Mr. Munish Garg, Advocate
for the complainant/respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.42 dated 27.03.2016 under Sections 452/354/506/323/34 IPC, registered at Police Station Maur District Bathinda and all other consequential proceedings arising therefrom on the basis of a compromise arrived at between the parties.

It is submitted that the abovesaid FIR was initially registered against two persons i.e., the petitioner as well as his father Jaswant Singh, but Jaswant Singh was found innocent during investigation and proceedings were initiated only against the present petitioner. It is submitted that the petitioner and respondent No.2 are closely related to each other. The petitioner is the cousin

brother-in-law of respondent No.2. The abovesaid FIR, it is submitted, was registered at the instance of respondent No.2 due to certain misunderstandings in the family arising out of a civil dispute. With the intervention of respectables and relatives, the matter has been amicably resolved. The parties decided to bury the hatchet and wish to live in peace and harmony.

This Court on 24.11.2017 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 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 24.11.2017, the parties appeared before the learned Judicial Magistrate First Class, Talwandi Sabo and their statements were recorded on 19.12.2017. Statement of the complainant/respondent No.2 was recorded to the effect that she has compromised the matter with the accused petitioner out of her own free will and she has no objection in case the abovesaid FIR against the accused petitioner is quashed. Statement of Surjit Kaur, mother-in-law of respondent No.2 was also recorded in respect to the settlement. Statement of the petitioner in respect to the settlement was recorded as well.

As per report dated 19.12.2017 received from the learned Judicial

Magistrate First Class, Talwandi Sabo, satisfaction is expressed that the compromise between the parties is genuine, arrived at voluntarily without any undue influence, pressure or coercion. It is specifically mentioned that the accused Jaswant Singh was declared innocent during investigation. 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 submits that as the abovesaid FIR arises out of a matrimonial dispute, the State has no 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.42 dated 27.03.2016 under Sections 452/354/506/323/34 IPC, registered at Police Station Maur District Bathinda alongwith all consequential proceedings are, hereby, quashed.

February 21 , 2018.
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(LISA GILL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No