

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

Criminal Misc. No.M- 37789 of 2017 (O&M)

Date of decision : March 26, 2018

Sheru and others

.....Petitioners

Versus

State of Punjab and another

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Vipin Mahajan, Advocate
for the petitioner.

Mr. Sukhleen Singh, AAG, Punjab

Mr. Randeep Singh, Advocate for
Mr. Vishal Munjal, Advocate
for respondents No.2 and 3

LISA GILL, J.

Prayer in this petition is for quashing of FIR No. 44 dated 09.03.2017 under Sections 363, 366, 366A, 120B IPC registered at Police Station Dinanagar, District Gurdaspur and all other consequential proceedings arising therefrom on the basis of a compromise arrived at between the parties.

It is submitted that son of petitioner No. 6 solemnised marriage with the daughter of the complainant – respondent No. 2 on 06.03.2017 against the complainant's wishes. Son of petitioner No. 6 and the complainant's daughter are now living together peacefully in their matrimonial home. No offence under Sections 363, 366, 366A IPC is made out against the petitioners. Moreover, respondent No. 2 is also reconciled to the step taken by the children. The terms and conditions of the settlement

were reduced into writing on 09.09.2017 (Annexure P-3).

This Court on 07.12.2017 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 any of the petitioners are absconding/proclaimed offenders and whether any other case is pending against them. Information was sought as to whether all affected persons are a party to the settlement.

Pursuant to order dated 07.12.2017, the parties appeared before the learned Judicial Magistrate First Class, Gurdaspur and their statements were recorded on 17.01.2018. Respondent No.2 stated that the matter has been compromised by him with all the accused persons out of his own free will, without any fear and pressure. Respondent No.2 stated that he has no objection to the quashing of the abovesaid FIR qua the petitioners.

Respondent No. 3 – Malku wife of Saif Ali stated that she solemnised marriage with Saif Ali son of Roshan Deen - petitioner No. 6 and she was living peacefully with her husband in the matrimonial home. Respondent No. 3 further stated that she has suffered her statement without any kind of fear and pressure. She prayed for quashing of the aforementioned FIR against all the accused petitioners. Joint statement of all the petitioners in respect to the compromise was also recorded.

As per report dated 18.01.2018 received from the learned Judicial Magistrate First Class, Gurdaspur satisfaction is expressed that the

compromise between the parties is genuine, arrived at out of free will of the parties, without any coercion or undue influence. None of the petitioners is reported to be a proclaimed offender. Statements of the parties are appended alongwith the said report.

Learned counsel for respondents No.2 and 3 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.

It is verified by learned counsel for the State, on instructions from ASI Inderjit Singh, that respondent No. 3 is major. It is further confirmed that respondent No. 3 is residing in her matrimonial home alongwith her husband – Saif Ali son of Roshan Deen. No serious objection has been raised against quashing of the above said FIR.

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. 44 dated

09.03.2017 under Sections 363, 366, 366A, 120B IPC registered at Police Station Dinanagar, District Gurdaspur alongwith all consequential proceedings are, hereby, quashed.

March 26, 2018
rts

(Lisa Gill)
Judge

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