

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

1. Criminal Misc. No.M- 37867 of 2017(O&M)
Date of Decision: March 07 , 2018.

Ritu and another PETITIONER(s)

Versus

State of Haryana and others RESPONDENT (s)

2. Criminal Misc. No. M- 19703 of 2017(O&M).

Mamta PETITIONER(s)

Versus

State of Haryana and others RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Manoj Kaushik, Advocate
for the petitioners.

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

Mr. Tanuj Kumar, Advocate for
Mr. Sanjay Verma, Advocate
for respondents No.2 to 6.

LISA GILL, J.

This order shall dispose of CRM No.M-37867 of 2017 (Ritu and another v. State of Haryana and others) and CRM No.M-19703 of 2017 (Mamta v. State of Haryana and others). The facts for the sake of convenience are being extracted from CRM No.M-37867 of 2017.

Prayer in both these petitions is for quashing of FIR No.312 dated 09.06.2016 under Sections 420/406/328/354/120B IPC, registered at Police Station Manesar, District Gurgaon and all other consequential proceedings arising therefrom on the basis of a compromise arrived at between the parties.

Learned counsel for the petitioners submits that one of the accused Naresh @ Radhey was declared a proclaimed offender and he is not a party to the present petition.

It is submitted that the abovesaid FIR was registered due to certain misunderstandings between the parties, which have now been cleared with the intervention of respectables and relatives. A compromise has been arrived at between the parties, the terms of which were reduced into writing on 20.05.2017 (Annexure P2). The parties decided to put an end to the acrimony between them and do not wish to proceed with the matter any longer.

This Court on 06.12.2017 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 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 06.12.2017, the parties appeared before the learned Additional Sessions Judge, Gurugram and their statements were recorded

on 09.01.2018. Respondents No.2 to 6 stated that the matter was amicably resolved between the parties out of their own free will without any kind of coercion or pressure. All five of them have received the balance amount from the accused persons and no dispute is pending between them. All of them in their separate statements submitted that they have no objection in case the abovesaid FIR against the petitioners is quashed. Statements of the three petitioners in respect to the settlement were recorded as well.

As per report dated 23.01.2018 received from the learned Additional Sessions Judge, Gurugram, satisfaction is expressed that the compromise between the parties is genuine, arrived at out of their own free will without any duress. None of the present petitioners are reported to be proclaimed offenders. Photocopy of the statements of the parties are appended alongwith the said report.

Learned counsel for respondents No.2 to 6 reaffirms and verifies the factum of settlement between the parties. It is reiterated that respondents No.2 to 6 have no objection to the quashing of the abovementioned FIR against the present petitioners.

Learned counsel for the State, on instructions from ASI Suresh Kumar, has raised no serious objection to the quashing of the FIR in question as well as all consequential proceedings against the present petitioners 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.

Both the petitions are, thus, allowed and FIR No. 312 dated 09.06.2016 under Sections 420/406/328/354/120B IPC, registered at Police Station Manesar, District Gurgaon alongwith all consequential proceedings qua the present petitioners are, hereby, quashed.

March 07, 2018.
'om'

(LISA GILL)
JUDGE

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