

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

Criminal Misc. No.M- 38187 of 2017 (O&M)

Date of decision : March 28, 2018

Ram Shanker

.....Petitioner

Versus

State of Haryana and another

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Ravi Chadda, Advocate
for the petitioner.

Mr. Anmol Malik, AAG, Haryana.

Mr. Tanuj Arora, Advocate
for respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No. 0006/2017 dated 14.01.2017 under Sections 354, 354(A) (1), 354(B) IPC registered at Women Police Station Faridabad and all other consequential proceedings arising therefrom on the basis of a compromise arrived at between the parties.

The abovesaid FIR was registered due to certain misunderstandings between the parties, which have since been removed. The terms and conditions of the settlement were reduced into writing on 30.08.2017 (Annexure P-2).

It is submitted that this petition has been filed for quashing of the aforementioned FIR qua the accused Ram Shanker only. The abovesaid FIR has been registered against the present petitioner and another accused namely Ritu @ Sonam. Learned counsel for the petitioner relies upon

judgment of this Court in **Parambir Singh Gill vs. Malkiat Kaur 2010 (1) CRCR (Criminal) 256** to submit that the FIR can be quashed qua some of the accused persons.

This Court on 11.10.2017 directed the parties to appear before learned trial court/Illaq Magistrate for recording their statements in respect to the above-mentioned compromise. Learned trial court/Illaq 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 without any pressure from any corner.

Pursuant to order dated 11.10.2017, the parties appeared before the learned Judicial Magistrate First Class, Faridabad and their statements were recorded on 02.11.2017. Respondent No.2 stated that she has amicably resolved the matter with the intervention of respectables, out of her own free will, without any force, pressure or undue influence. Respondent No.2 specifically stated that she did not wish to pursue the matter against the petitioner and has no objection to the quashing of the abovesaid FIR qua the petitioner. Statement of the petitioner in respect to the compromise was also recorded.

As per report dated 02.11.2017 received from the learned Judicial Magistrate First Class, Faridabad, satisfaction is expressed that the compromise between the parties is genuine, arrived at out of free will of the parties, without any threat or 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 petitioner.

Learned counsel for the State, on instructions from ASI Sharmila, submits that as the abovesaid FIR as the parties have amicably resolved the matter in order to maintain peace and harmony, the State has no objection to the quashing of this FIR qua the petitioner 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. 0006/2017 dated 14.01.2017 under Sections 354, 354(A) (1), 354(B) IPC registered at Women Police Station Faridabad alongwith all consequential proceedings are, hereby, quashed qua the petitioner – Ram Shanker.

March 28, 2018

rts

(Lisa Gill)
Judge

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