

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

Criminal Misc. No.M- 38219 of 2017 (O&M)

Date of decision : April 20, 2018

Kulwinder Singh and another

.....Petitioners

Versus

State of Punjab and another

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Surinder Garg, Advocate
for the petitioners.

Mr. Sukhleen Singh, AAG, Punjab

Mr. Kashmir Singh, Advocate for
Mr. Surinder Gaur, Advocate
for respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No. 28 dated 28.03.2017 under Sections 354, 452, 458, 506, 148, 149 IPC registered at Police Station Kot Bhai, District Sri Muktsar Sahib and all other consequential proceedings arising therefrom on the basis of compromise dated 18.09.2017 (Annexure P-2) arrived at between the parties.

The abovesaid FIR was registered at the instance of respondent No.2 due to misunderstandings between the parties, which have since been removed. Respondent No. 2 no longer wishes to proceed with the above said matter. The parties are residents of the same village and they wish to maintain peace and harmony.

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, Gidderbaha and their statements were recorded on 15.01.2018. Respondent No.2 stated that the matter has been compromised by her with all the accused persons out of her own free will and without any pressure. Respondent No.2 stated that she has no objection to the quashing of the abovesaid FIR qua the petitioners. Joint statement of the petitioners in respect to the compromise was also recorded.

As per report dated 20.01.2018 received from the learned Judicial Magistrate First Class, Gidderbaha satisfaction is expressed that the compromise between the parties is genuine, arrived at out of free will of the parties, without any pressure, threat 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 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 petitioners.

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 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 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. 28 dated 28.03.2017 under Sections 354, 452, 458, 506, 148, 149 IPC registered at Police Station Kot Bhai, District Sri Muktsar Sahib alongwith all consequential proceedings are, hereby, quashed.

April 20, 2018
rts

(Lisa Gill)
Judge

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