

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

Criminal Misc. No.M- 40141 of 2017 (O&M)

Date of decision : April 18, 2018

Gurnam Singh and others

.....Petitioners

Versus

State of Punjab and others

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr.Kamal Singh, Advocate for the petitioners.

Mr. Sukhleen Singh, AAG, Punjab

Mr. S.S. Sodhi, Advocate for respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No. 123 dated 13.08.2017 under Sections 452, 323, 354, 148, 149 IPC registered at Police Station City Batala, District Gurdaspur and all other consequential proceedings arising therefrom on the basis of compromise dated 12.09.2017 (Annexure P-2) arrived at between the parties.

The abovesaid FIR was registered due to certain misunderstandings between the parties, which now stand cleared, with the intervention of respectables. Respondents No. 2 and 3 do not wish to pursue the matter any longer and have no objection, in case, the above said FIR against all the petitioners is quashed.

This Court on 09.01.2018 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

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 09.01.2018, the parties appeared before the learned Sub Divisional Judicial Magistrate, Batala and their statements were recorded on 29.01.2018. Respondent No.2/complainant stated that the matter has been compromised by him with all the accused persons out of his own free will, without any pressure, coercion or undue influence from any side. Respondent No. 2 stated that he has no objection to the quashing of the abovesaid FIR qua the petitioners.

Respondent No. 3 – the injured/affected person also suffered a statement on similar lines to the effect that the matter has been amicably resolved by her out of her own free will, without any pressure, coercion or undue influence from any side. Respondent No. 2 stated that she also has no objection to the quashing of the abovesaid FIR qua the petitioners. Statements of the petitioners in respect to the compromise were also recorded.

As per report dated 02.02.2018 received from the learned Sub Divisional Judicial Magistrate, Batala satisfaction is expressed that the compromise between the parties is bona fide, genuine, arrived at out of free will of the parties, without any threat, promise 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 respondents No.2 and 3 have no objection to the quashing of the abovementioned FIR against the petitioners.

Learned counsel for the State 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 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. 123 dated 13.08.2017 under Sections 452, 323, 354, 148, 149 IPC registered at Police Station City Batala, District Gurdaspur alongwith all consequential proceedings are, hereby, quashed.

April 18, 2018

rts

(Lisa Gill)
Judge

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