

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

CRM-M-43034 of 2017 (O&M)

Date of Decision: 30.04.2018

Amandeep Singh Sharma

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. A.S. Brar, Advocate
the petitioner.

Mr. D.S. Sukarcharkia, DAG., Punjab.

Mr. H.S. Mavi, Advocate
for Mr. Vishal K. Lamba, Advocate
for respondent no.2.

LISA GILL, J(Oral).

Prayer in this petition is for quashing of FIR No. 117 dated 11.06.2014, under Section 354-A IPC, registered at Police Station City Moga, District Moga, along with all other consequential proceedings arising therefrom on the basis of a compromise dated 25.10.2017 (Annexure P-2) arrived at between the parties.

It is submitted that the abovesaid FIR was registered at the instance of respondent no.2 due to certain misunderstandings between the parties. However, with the intervention of respectables and others, the matter has been amicably resolved between the parties. Respondent no.2 as well as her daughter, the victim in this case do not want to proceed any longer with the case. It is thus prayed that this petition be allowed.

This Court on 20.12.2017 directed the parties to appear before the learned trial court for recording of 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 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 20.12.2017 the parties appeared before the learned Judicial Magistrate Ist Class, Moga, on 22.12.2018. Respondent no.2 as well as her daughter-the victim aged 26 years and the husband of respondent no.2 (father of the victim) in their separate statements specifically stated that the matter has been amicably resolved between accused-petitioner out of their own free will, without any kind of pressure or coercion. All of them specifically stated that they have no objection to the quashing of the aforementioned FIR against the accused-petitioner. Statement of the petitioner in respect to the settlement was recorded.

As per report dated 08.01.2018, received from the learned Judicial Magistrate Ist Class, Moga, satisfaction is expressed that the compromise between the parties is genuine, voluntarily arrived at out of the free will of the parties, without any pressure or coercion. It is to be noted that though the parents of the petitioner were also named in the FIR, it is only the petitioner who is proceeded against. Petitioner is not reported to be a proclaimed offender.

Learned counsel for respondent No.2 affirms and verifies the factum of settlement between the parties. It is reiterated that

respondent No.2 has no objection to the quashing of the above-mentioned FIR against the petitioner.

Learned counsel for the State has not raised any serious 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 above-said 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. 117 dated 11.06.2014, under Section 354-A IPC, registered at Police Station City Moga, District Moga, along with all consequential proceedings are, hereby, quashed.

30.04.2018
s.khan

[LISA GILL]
Judge

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