

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

CRM-M-44613 of 2017(O&M)

Date of Decision:02.05.2018

Rajiv and others

..... Petitioners

Versus

State of Haryana and others

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr.Nirmal Singh, Advocate
the petitioners.

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

None for respondents no.2 and 3.

LISA GILL, J(Oral).

Prayer in this petition is for quashing of FIR No.287 dated 30.08.2014, under Sections 323, 452, 354-B, 506 IPC, registered at Police Station Safidon, District Jind, along with all other consequential proceedings arising therefrom on the basis of a compromise dated 15.11.2017 (Annexure P-2) arrived at between the parties.

It is submitted that the above-said FIR was registered on an application submitted by respondent no.2 against the petitioners. It is submitted that the parties are closely related to each other, the complainant being the sister-in-law of petitioners no.1 and 2. With the intervention of respectables and family members, the matter has been amicably resolved between the parties. The parties wish to live in peace and harmony. Respondents no.2 and 3 do not wish to continue with the proceedings and have no objection in case the aforementioned FIR

against all the petitioners is quashed. It is thus prayed that this petition be allowed.

This Court on 24.11.2017 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 24.10.2017, the parties appeared before the learned Sub-Divisional Judicial Magistrate, Safidon, on 16.12.2017. Respondent No.2 stated that the matter has been amicably resolved by her with all the accused-petitioners out of her own free will, without any kind of pressure or coercion and she has no objection in case the abovesaid FIR against both the petitioners is quashed. Statements of the petitioners in respect to the settlement were recorded.

As per report dated 16.12.2017, received from the learned Sub-Divisional Judicial Magistrate, Safidon, 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. Petitioners are not reported to be proclaimed offenders.

Mr. Manav, Advocate, had appeared on behalf of respondents no.2 and 3 on 24.11.2017 and affirmed the factum of

settlement between the parties. It was reiterated that respondent no. No.2 has no objection to the quashing of the above-mentioned FIR against the petitioners subject to their strictly adhering to the terms and conditions of the settlement.

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.287 dated 30.08.2014, under Sections 323, 452, 354-B, 506 IPC, registered at Police Station Safidon, District Jind, along with all consequential proceedings are, hereby, quashed.

02.05.2018

s.khan

[LISA GILL]
Judge

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