

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

**Criminal Misc. No.M- 44770 of 2017 (O&M)**

Date of decision : February 19, 2018

Brij Lal

.....Petitioner

Versus

State of Punjab and another

....Respondents

**Criminal Misc. No.M- 44782 of 2017 (O&M)**

Pooja and others

.....Petitioners

Versus

State of Punjab and another

....Respondents

**CORAM:- HON'BLE MRS. JUSTICE LISA GILL**

Present: Mr. Dharminder Singh Randhawa, Advocate  
for the petitioner (in CRM-M-44770-2017)  
for respondent No. 2 ( in CRM-M-44782-2017)

Mr. Sukhleen Singh, AAG, Punjab

Mr. Narinder Singh, Advocate  
for respondent No.2 (in CRM-M-44770-2017)  
for the petitioner ( in CRM-M-44782-2017)

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**LISA GILL, J.**

This order shall decide Criminal Misc. Nos.M- 44770 and  
44782 of 2017.

CRM-M-44770-2017 has been filed for quashing of FIR No.  
108 dated 20.07.2017 under Sections 354A, 323, 341 IPC registered at  
Police Station Haibowal, District Ludhiana.

CRM-M-44782-2017 has been filed for quashing of cross case  
i.e. DDR/G.D. No. 16 dated 21.07.2017 under Sections 451, 323, 506, 148  
IPC in FIR No. 108 above, registered at Police Station Haibowal, District  
Ludhiana and all other consequential proceedings arising therefrom on the

basis of a compromise arrived at between the parties.

It is submitted that the abovesaid FIR and DDR were registered due to certain misunderstandings between the parties, which have since been removed with the intervention of respectables and elders. The terms and conditions of the settlement were reduced into writing on 14.11.2017 (Annexure P-2). None of the victim/affected person is a minor in these cases.

This Court on 27.11.2017 directed the parties to appear before learned trial court/Illaq Magistrate for recording their statements in respect to the above-mentioned compromise in both the cases. 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/Illaq 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 27.11.2017, the parties appeared before the learned Judicial Magistrate First Class, Ludhiana and their statements were recorded on 18.12.2017. In CRM-M-44770-2017, FIR was lodged at the instance of respondent No. 2 – Pooja and the cross case was registered at the instance of Kajal @ Kamlesh Rani (respondent No. 2 in CRM-M-44782-2017). Statements of the parties were recorded separately by learned Judicial Magistrate First Class, Ludhiana in both the cases.

The complainants – Pooja and Kajal @ Kamlesh Rani in both the petitions stated that the matter has been amicably resolved with all the accused person/persons out of their own free will, without any kind of

pressure or coercion. Complainant – Pooja (in CRM-M-44770-2017) stated that she has no objection to the quashing of the abovesaid FIR qua the petitioner – Brij Lal. Complainant - Kajal @ Kamlesh Rani (in CRM-M-44782-2017) also stated that she has no objection in case the abovesaid DDR/cross version against all the accused petitioners is quashed. It is specifically stated that they have entered into the compromise voluntarily, without any fear, pressure or coercion. Statement of Brij Lal in respect to the compromise was recorded. A joint statement of all the accused in cross version was recorded as well. Statement of ASI Ram Kishan, Police Station Sadar Ludhiana was recorded in both the cases to the effect that none of the petitioners are proclaimed offenders.

Separate reports of even date i.e. 20.01.2018 were received from the learned Judicial Magistrate First Class, Ludhiana in respect to the said FIR and the DDR. Satisfaction is expressed by the learned Judicial Magistrate First Class, Ludhiana that the compromise between the parties is genuine, arrived at out of the free will of the parties, without any undue influence or coercion. None of the accused either in the FIR or in the cross version is reported to be a proclaimed offender.

Learned counsel for the parties affirm and verify the factum of settlement between the parties. It is also submitted that none of the parties wish to proceed against the others and none has any objection to the quashing of the said FIR and DDR.

Learned counsel for the State submits that as the parties have amicably resolved the matter in order to maintain peace and harmony, the State has no objection to the quashing of the FIR as well as the cross version 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 and DDR/cross version 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.

Both the petitions are, thus, allowed. FIR No. 108 dated 20.07.2017 under Sections 354A, 323, 341 IPC registered at Police Station Haibowal, District Ludhiana as well as cross version i.e. DDR/G.D. No. 16 dated 21.07.2017 under Sections 451, 323, 506, 148 IPC in FIR No. 108, registered at Police Station Haibowal, District Ludhiana alongwith all consequential proceedings are, hereby, quashed.

February 19, 2018  
rts

**(Lisa Gill)**  
**Judge**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No