

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

**Criminal Misc. No. M-45553-2017**

**Date of Decision: May 08, 2018.**

MANISH

..... PETITIONER

**Versus**

STATE OF HARYANA AND ANR.

..... RESPONDENTS

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

Present: Mr. Gaurav Khera, Advocate, for the petitioner.

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

Mr. J.S. Khiva, Advocate for  
Mr. Saqib Ali Khan, Advocate  
for respondent No.2.

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**LISA GILL, J.**

Prayer in this petition is for quashing of FIR No.273 dated 24.07.2017 registered under Section 354-D of the Indian Penal Code ('IPC' for short) at Police Station Beri, District Jhajjar and all other consequential proceedings arising therefrom on the basis of a compromise arrived at between the parties.

It is submitted that the above said FIR was registered at the instance of respondent No. 2 due to certain misunderstanding between the parties which has since been resolved. The petitioner and respondent No. 2, it is submitted are neighbours. The parties decided to put an end to the acrimony between them and wish to live in peace and harmony. Respondent No. 2 does not wish to proceed with the matter any longer.

This Court on 01.12.2018 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 the petitioner is absconding/proclaimed offender and whether any other case is pending against him. Information was sought as to whether all affected persons are a party to the settlement.

Pursuant to order dated 01.12.2017, the parties appeared before the learned Additional Chief Judicial Magistrate, Jhajjar and their statements were recorded on 16.12.2017. Respondent No.2-complainant stated that she has amicably resolved the dispute with the petitioner out of her own sweet will without any pressure or coercion. Respondent No.2 further stated that she has no objection in case the abovesaid FIR against the accused petitioner is quashed. Statements of the parents of respondent No. 2 were recorded. Statement of the petitioner in respect to the settlement was recorded as well.

As per report dated 16.12.2017 received from the learned Additional Chief Judicial Magistrate, Jhajjar, it is opined that the compromise between the parties is genuine, a result of free will and volition of the parties without any undue influence, coercion, pressure or misrepresentation. Petitioner is not reported to be a proclaimed offender. A copy of the compromise was tendered as Ex. C1. 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 petitioner.

Learned counsel for the State does not raise any serious objection to the quashing of the FIR in question as well as all consequential proceedings 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.273 dated 24.07.2017 registered under Section 354-D of IPC at Police Station Beri, District Jhajjar alongwith all consequential proceedings are, hereby, quashed.

**May 08, 2018**  
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**(LISA GILL)**  
**JUDGE**

Whether speaking/reasoned:  
Whether reportable:

Yes/No  
Yes/No