

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

Criminal Misc. No. M- 45778 of 2017(O&M)

Date of Decision: February 05 , 2018.

Sapinderpal Singh and others PETITIONER(s)

Versus

State of Punjab and another RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Sarju Puri, Advocate
for the petitioners.

Mr. H.S.Grewal, Sr.DAG, Punjab.

Mr. Jagatpal Singh Banwait, Advocate
for the complainant/respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.39 dated 18.02.2014 under Sections 354D/506/509 IPC, registered at Police Station Rahon, District SBS Nagar 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 was registered at the instance of respondent No.2 due to certain misunderstandings. However with the intervention of respectables of the area, the said misunderstandings have since been removed and the matter has been amicably resolved between the parties, the terms of which were reduced into writing on 21.11.2017 (Annexure P2). The

parties decided to put an end to the acrimony between them and wish to live in peace and harmony. It is submitted that one of the accused, namely, Joga Singh (non-applicant) is a proclaimed offender. He has not approached this Court, though the complainant has expressed no objection to the quashing of the aforesaid FIR against him as well. Learned counsel relies upon the decision of this Court in **Parambir Singh Gill v. Malkiat Kaur, 2010(1) RCR(Criminal) 256** to submit that there is no impediment to quash a FIR against some of the accused persons on the basis of a settlement arrived at between the parties.

Learned counsel for respondent No.2 reiterates the factum of settlement between the parties. It is submitted that respondent No.2 has no objection to the quashing of the abovementioned FIR against all the petitioners subject to their strict adherence to the terms and conditions of the settlement.

This Court on 01.12.2017 directed the parties to appear before learned trial court for recording 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 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 01.12.2017, the parties appeared before the learned Chief Judicial Magistrate, Shaheed Bhagat Singh Nagar and their statements were recorded on 06.12.2017. Respondent No.2 stated that she has amicably resolved the matter with all the petitioners. The terms and conditions

of the settlement were reduced into writing and a copy of the compromise was tendered as Ex.P1. The settlement, it is stated, has been arrived at out of her own sweet will without any kind of pressure. Respondent No.2 stated that she has no objection in case the abovesaid FIR against the accused/petitioners is quashed. Joint statement of the petitioners in respect to the settlement was recorded as well. Statement of ASI Surinder Pal, the Investigating Officer of the case was recorded on 08.12.2017.

As per report dated 14.12.2017 received from the learned Chief Judicial Magistrate, Shaheed Bhagat Singh Nagar, satisfaction is expressed that the compromise between the parties is genuine, arrived at out of the free will of the parties. The accused Joga Singh (non-applicant) is reported to be proclaimed offender. None of the petitioners are reported to be proclaimed offenders. Statements of the parties are appended alongwith the said report.

Learned counsel for the State has raised no 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. 39 dated 18.02.2014 under Sections 354D/506/509 IPC, registered at Police Station Rahon, District SBS Nagar alongwith all consequential proceedings are, hereby, quashed.

February 05 , 2018.
'om'

(LISA GILL)
JUDGE

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