

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

Criminal Misc. No. M- 45938 of 2017(O&M)

Date of Decision: May 18 , 2018.

Kapoor Singh and another PETITIONER(s)

Versus

State of Punjab and another RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Nagar Singh, Advocate for
Mr. Gurpreet Singh, Advocate
for the petitioners.

Ms. Ruchika Sabharwal, AAG, Punjab.

None respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.100 dated 11.09.2017 under Sections 354/506 IPC, registered at Police Station Fattu DHINGA, District Kapurthala 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 between the parties. It is further submitted that the parties belong to the same village and with the intervention of respectables and elders, all misunderstandings between the parties stand removed. Respondent No.2, it is stated, does not wish to proceed with the matter any longer. The terms of the settlement arrived at between the parties were reduced into writing on 21.09.2017 (Annexure P2).

This Court on 19.02.2018 directed the parties to appear before learned trial court/Illaq Magistrate for recording their statements in respect to the above-mentioned compromise. 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 19.02.2018, the parties appeared before the learned Sub Divisional Judicial Magistrate, Sultanpur Lodhi and their statements were recorded on 08.03.2018. Respondent No.2 stated that she has compromised the matter with both the petitioners out of her own free will without any pressure, threat or coercion with the intervention of respectables of the village and to maintain harmony. Respondent No.2 stated that she has no objection in case the abovesaid FIR against the accused petitioners is quashed. Statements of the petitioners in respect to the settlement were recorded as well.

As per report dated 12.03.2018 received from the learned Sub Divisional Judicial Magistrate, Sultanpur Lodhi, satisfaction is expressed that the compromise between the parties is genuine and voluntary, arrived at without any threat, pressure, coercion or undue influence. None of the petitioners are reported to be proclaimed offenders. Statements of the parties are appended alongwith the said report.

Ms. Sunita Nambiar, Advocate had appeared on behalf of respondent No.2 on 19.02.2018 and she affirmed and verified the factum of settlement between the parties, pursuant to which the parties were directed to appear before the learned trial court to record their statements in respect to the settlement.

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.100 dated 11.09.2017 under Sections 354/506 IPC, registered at Police Station Fattu DHINGA, District Kapurthala alongwith all consequential proceedings are, hereby, quashed.

May 18, 2018.
'om'

(**LISA GILL**)
JUDGE

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