

**Crl. Misc. No. M-49138 of 2017 and
Crl. .Misc. No. M-49072 of 21017**

[1]

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

**Crl. Misc. No. M-49138 of 2017
Date of Decision : February 23, 2018**

Jaswinder Singh and othersPetitioners

Versus

State of Punjab and others Respondents

Crl. .Misc. No. M-49072 of 21017

Ramanjeet Kaur and others Petitioners

Versus

State of Punjab and others Respondents

CORAM : HON'BLE MRS. JUSTICE LISA GILL

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**Present: Mr. H.R.Bhardwaj, Advocate
for the petitioners in CRM-M-49138 of 2017**

**Mr. N.S.Chahal, Advocate
for the petitioners in CRM-M-49072 of 2017**

Mr. Sukhbir Singh, AAG, Punjab.

None for the private respondents.

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LISA GILL, J. (Oral)

This order shall dispose of CRM-M-49138 of 2017 and CRM-M-49072 of 2017.

CRM-M-49138 of 2017 has been filed for quashing of FIR No. 0055 dated 21.05.2016 under Sections 452, 354, 323, 506, 148, 149 IPC

registered at Police Station Moonak District Sangrur along with all other consequential proceedings arising therefrom and CRM-M-49072 of 2017 has been filed for quashing the cross version i.e. DDR No. 35 dated 22.05.2016 under Sections 452, 323, 34 IPC registered at Police Station Moonak District Sangrur on the basis of compromise dated 02.11.2017 (Annexure P2) arrived at between the parties.

It is submitted that the above said FIR as well as the cross version have been registered due to misunderstandings between the parties which have since been removed. The terms and conditions of the settlement were reduced into writing on 02.11.2017 (Annexure P2). None of the parties wish to proceed with the matter against the other.

Pursuant to order dated 21.12.2017 in both the above said cases, parties appeared before the learned Sub-Divisional Judicial Magistrate, Moonak (Sangrur) and their statements were recorded on 20.01.2018. The complainant-Jagseer Singh in FIR No. 55 dated 21.05.2016 (respondent No. 4 in CRM-M-49138 of 2017) as well as the affected persons/victims-Ramanjeet Kaur and Mandeep Kaur (respondents No.2 and 3 in CRM-M-49138 of 2017) specifically stated that they have compromised the matter with all the accused persons out of their own free will, without any inducement, threat, promise or coercion. They wished to end the bitterness and restore cordial relations between the parties. It is specifically stated by all the three respondents that they have no objection to the quashing of the above-said FIR against all the petitioners. The complainant Sukhwinder Kaur in the cross version (respondent No.2 in

CRM-M-49072 of 2017) also stated that the matter has been duly compromised with all the accused in the cross version out of her own free will, without any inducement, threat, promise or coercion. Respondent-Sukhwinder Kaur stated that she has no objection to the quashing of the aforementioned cross version DDR No. 35 dated 22.05.2016 against all the three accused therein. Statements of the accused in the FIR as well as the cross version were recorded as well.

Seperate reports of even date i.e. 02.02.2018 have been submitted by the learned Sub-Divisional Judicial Magistrate, Moonak, in both the cases. Satisfaction is expressed that the settlement between the parties is genuine, voluntarily arrived at between the parties out of their own free will, without any pressure or undue influence. None of the petitioners in the aforesaid FIR or the cross version is reported to be a proclaimed offender. Statements of the parties are appended along with the said report.

Learned counsel for parties affirm and verify the factum of settlement between their respective clients. None of them wishes to proceed against the other and there is no objection to the quashing of the aforesaid FIR as well as the cross version.

Learned counsel for the State has no objection to the quashing of the aforesaid 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 above-said FIR as well as the 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.

This petition is, thus, allowed and FIR No. 0055 dated 21.05.2016 under Sections 452, 354, 323, 506, 148, 149 IPC as well as cross version i.e. DDR No. 35 dated 22.05.2016 under Sections 452, 323, 34 IPC registered at Police Station Moonak District Sangrur along with all consequential proceedings are, hereby, quashed.

23.02.2018
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**(LISA GILL)
JUDGE**

Note: Whether speaking/reasoned
Whether Reportable:

Yes / No
Yes / No